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A REFUTATION OF THE CHARGE

BROUGHT AGAINST

THE MARQUIS WELLESLEY,

on account of his

CONDUCT TO THE NABOB OF OUDE.

FROM AUTHENTIC DOCUMENTS.

BY J. BRAND, CL. M. A. &c. &c.

LONDON,

Printed by P. Stuart, 33, Fleet Street;

And sold by

CADELL AND DAVIES, STRAND; RIVINGTONS, ST. PAUL'S CHURCH YARD; ASPERNE, CORNHILL; FLOYER, STRAND; BUDD, PALL MALL; HATCHARD, PICCADILLY; AND LLOYD, HARLEY-STREET.

1807.

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FIRST PRELIMINARY DISSERTATION.

On the Rights and Duties of a Power establishing a Prince; and continuing of necessity to support him on a Throne, against foreign and domestic Enemies.

I. THE rights of the greater power, and the duties of the less, are the same thing under different terms; what with respect to the one is a right, to the other is a duty. One branch of them arises from support afforded and received against foreign, a second against domestic enemies; and a third respects only the superior power, and the subjects of the prince established: that at least they suffer nothing from the act of the former, not being parties to it.

I consider, first, the rights of the superior power as defending the prince so established against foreign enemies; being unable, without some protection, to keep his domestic enemies in awe. When his country is so assailed, the onus of the defence must rest almost entirely on the protecting power.

Therefore when he shall think it proper to commence a war, that prince must refer it to

the judgment of the protecting power, on whom the great part of the onus of carrying it on will devolve, without its being its proper object. Such a prince, therefore, has not the power of making war vested in him.

When the two states are engaged in a war jointly against a third, such a prince must not desert his ally, to depart from the alliance being to dethrone himself; the bonds of the confederacy being of absolute political necessity to him, most strict: he therefore cannot make peace for himself.

Therefore, not being capable of having the right of making war or peace vested in him, he cannot give powers to ambassadors to treat on those high concerns with any third state; nor even to make a defensive alliance with such a state: as it may draw the protecting power into a war, or it may become of necessity nugatory; or the temerity of the engagement may induce the latter to renounce the alliance, to the political annihilation of the weaker party.

The only subjects such a prince can treat upon with a foreign power, are affairs of commerce, or the mutual surrender of the criminals of each country, who shall take refuge in the other: matters to be transacted by a common consul.

An independent prince, through the reverses of war, or the fear of them, may be reduced in-

to this situation by a superior power. But the case here supposed is very different: the prince being vested with his power by the strength of his potent ally, he is so far forth a beneficiary of the latter, although he comes under the restraints imposed by treaty in the former case. And the inferior ally is here elevated into a situation by a friendly power, to which the other, before an independent prince, is depressed by a conqueror. The obligation of the beneficiary is double; the one arising from compact, and the other from gratitude.

Vatel confirms what has been laid down above of the obligations of both; which are the same in substance, although the modes of coming under them are diametrically opposite. His opinion is here copied from Mr. Cowper's evidence before the House of Commons, on the charge against the Marquis Wellesley, respecting his transactions in the country of Oude.

Speaking of the friends and allies of the Romans, that writer says: "Most of these, tho' "so called, no longer formed states within "themselves: they were governed by their "own laws and magistrates; but without, they "were obliged to follow the orders of Rome; "they dared not themselves make war or alli-"ance, nor could they treat with nations *."

* Cowper, Minutes Oude Charge, p. 47.

In all these particulars Grotius agrees with Vatel, the last excepted. That agreement shall be here shown; and the point on which they differ then considered.

The case of a beneficiary prince, standing constantly in need of the aid of the protecting power against both external and internal enemies, is the only one to which the principles deduced from these writers is meant to be here applied: not at all entering into the question, Whether many other cases may not be assigned to which they are legitimately applicable?

Such beneficiaries are, in the fullest sense of the term, dependent princes. The conditions and extent of their dependence are sometimes defined by treaty, either in the whole or in part. In cases not provided for by such treaty, the law of nations comes in in aid of it, and is virtually part thereof. Such compact between the dependent and protecting power, Grotius calls the unequal league, or league of unequals; *Fœdus inequale.*

By the term Unequal Federation, is not to be understood that entered into by two states whose forces are unequal; or that which is only temporary in its effect; as when the compact is, that a hostile state shall be received into the friendship of another; if it shall defray the expences incurred by that other, in a war to be terminated by the treaty itself: but

such a one as by the spirit of the compact gives to the latter *a permanent ascendency* over the former; that is " where the one is bounden to " preserve the *imperial power* or *majesty* of the " other*."

The force and meaning of this, in the sense of Grotius, must be explained. *The imperial power*, and *the majesty*, are technical terms of the Roman law; and here used by him as such. He has described wherein the violation of either dignity consists, whence what is meant by the preservation of each is most definitively understood. He had before said, that " he is " guilty of the crime of violated majesty who " makes war without the command of the " prince†;" for the emperors had the address to prevail upon the Romans, to vest entirely and exclusively the majesty of the Roman people in their own persons; which included the right of war and peace. To commence the former was a violation of the imperial power, or the majesty, no longer popular, but now rendered imperial. For in the time of the republic the plenary sovereignty, of which the rights of ordaining war or peace is a very material part, was vested in and exercised by the whole body of the people. And the whole of the plenary

* Grotius de Jure, L. i. c. 1. s. 1. § 1.

† Ibid. L. 1. c. 3. s. 4. § 2.

sovereignty was legally called the majesty of the Roman people. "And by the Cornelian "law, any one who should declare war, order "a levy, or form an army without the com- "mand of the people, was guilty of the viola- "tion of majesty*." Therefore, by the law of nations, a prince who has entered into an unequal league with another power, cannot make war on any state, or conclude a peace, with the enemy of its protecting power. And Grotius evidently according with Vatel, in another place, expressly says: that the inferior power in an unequal league may be restrained from waging war, unless by the command of the superior. He also brings forward instances in the proof of this, where it is far less evident than in the case of a beneficiary dependent prince. And he observes, very properly, that it does not extend to preclude such power from the right of self-defence, in case he be attacked.

We must therefore rather wonder, that in another place Grotius says; that a prince or commonwealth may be bound by an act of unequal federation, and yet retain the *summum imperium*†, the plenary sovereignty. And in a further part of his work he infers, from the same principle, that not ceasing to be *sui juris*,

* Grotius de Jure, L. i. c. 3. s. 4. § 2.

† Ibid. L. i. c. 3. s. 21. § 2. ex Procula.

he retains the right of sending ambassadors*. Locke has given us an analysis of the plenary sovereignty which seems complete: the legislative, the executive, and the federative power of the state: which latter, he observes, "contains the power of war and peace, leagues and alliances:" to which he adds, "and all the transactions with all persons and communities without the commonwealth†." The first part of the federative power is by far the greater: the essence of the supreme power is independence: and to make war and peace are the only ways by which that power can be manifested in act to any foreign state. The potentate which is divested of this greater part of the federative power, cannot negociate in its very highest concerns with effect. It has been shown that a common agent is equal to all the foreign objects it can engage in.

The remaining rights of the superior power, according to Grotius, are to ordain whether in the time of war the inferior shall contribute to it by a supply of money; or sending his quota of ships for a maritime war: and, by parity of reason, of troops for a war by land. And as the superior can ordain in time of actual war, that the inferior shall furnish his contingent supply either in money or troops, he has the

* Grotius de Jure, L. ii. c. 18. s. 2. § 2.

† Locke on Civil Government, C. 12. s. 146.

same right with respect to what provision shall come to be made on the expectation thereof, at any time: or to the force to be kept up in peace, as a constant provision against all ordinary and unexpected emergencies. And Grotius* observes, that *there is much analogy between the rights of such a superior and guardianship* including that of ecclesiastical corporations.

Therefore, according to the law of nations, the beneficiary dependent power has no right to make war, peace, or alliances: or to send ambassadors to any state to treat thereon, only in concert with his superior. And he must furnish his quota to the joint defence of both states; either in money or troops, as his protector shall ordain.

II. Hitherto the duties and rights of both powers have been considered as to their external relations: those arising from the internal situation of the state of the beneficiary, are next to be defined.

By the original case put, and no other is to be here considered, the beneficiary is unable to maintain himself in his government at home, without the constant support of his protector. Now when an edifice is in danger of falling, the

* Grotius, L. i. c. 3. s. 21. § 8.

prop must be applied where the defect is, and the defect here being internal, the power of the protecting state must be brought to operate internally: IN the government of the inferior: and two separate powers cannot operate in one government, at one time, and on the same objects of regulation, without operating upon each other: and one must be superior.

And even in one of the highest departments of government, the superior power will have a strong right of controul over the inferior. For it has been shown, that the protected power has no right actually to begin a war; and it may be added, to provoke a war with a foreign state: because the burthen of its defence, on account of its weakness, must entirely lay upon the superior. The continuation of old grievances, the introduction and multiplication of new and great oppressions, may compel the disaffected inhabitants of the state to arms, who otherwise would have gone on in subjection, although with reluctance and sulleness. Thus the protecting power will be involved, through the misconduct of its beneficiary, in the suppression of a civil war; unless the former exercise a full power of controul over the latter, in all its measures which shall affect the internal peace of the state. Again, having imposed a sovereign on the people, con-

trary to their wishes; the protecting state has, by its own act, contracted the highest obligation to them, that this shall be the only painful sentiment they shall have to suffer thereby; and to do their utmost that it be removed.

But it becomes requisite to lay down some circumstances peculiar to the case, the examination of which is about to be entered into. The principle which will result from this examination, will determine the duties and rights of each, in two singular existing circumstances. Therefore our supposed countries are, in the first place, to be taken as contiguous: bordering on each other by a long line of frontier: that of the weaker state and its interior, to exhibit a scene of anarchy: travellers subjected to the exaction of every little tyrant of every little village: rapine and murder spreading over the face of the whole territory; unchecked by laws, or any thing resembling the administration of laws or a police: and its government utterly without force to begin any remedy to these evils.

These confusions must be highly dangerous to the inhabitants of the frontiers of the protecting power. And if they shall, by its enlightened policy, with much difficulty have been raised from a state of anarchial and intestine rapine and confusion, which, although not equalling that prevailing on the other side of

the border, was recently ruinous to security, and dangerous to general order: the former must soon, by the operations of the customary causes, occasion the relapse of these semi-reformed tracts into all their former disorders; most probably augmented by a large proportion of that of the savages in the vicinity of whom they live: of whose crimes they will become, some the victims, others the daily witnesses, and ultimately accomplices.

And in this case the protection of its own frontier, and the maintenance of law in its own territories, will call on the superior power to oppose an adequate remedy to these confusions. It constitutes one of its imperative duties. On its own territory it can do nothing more than establish a chain of military stations on the whole length of the boundary line; a great and perpetual charge and burthen to its dominions. But by far the best remedy to the countries jointly, would be to put an end to the anarchy of the dependent state, the source of perpetual calamity to both; if it be possible for the superior to effect this by the joint exertion of its influence and power.

Beside when that state has promised to support such a beneficiary on the throne on which it has placed him, it has engaged to perform every thing in its power, which shall become necessary to that end; or which there is the

first degree of probability that it will become so. In countries where anarchy prevails, and laws are not administered; where the sword decides cases of property; the most important revolutions are never far distant; and a prince mounts the throne only to perish upon it, or wear out the remainder of his life in prison, or in exile. The protecting state is therefore bound, if it be in its power, as mentioned above, to fulfil its engagement for the security of that prince, by putting an end to the anarchy, and establishing the administration of law.

But a second source of general misery, and in its effects not very unequal to that of this anarchial state, may at the same time threaten such a devoted country. Its army may be deeply infected with infidelity and treason; attached to a pretender to the principality, by most profuse largesses during a short usurpation; and detesting the avarice of the prince: undisciplined, mutinous, an object of terror to governors and governed, and to no one else.

When violence and depredation cover the face of a whole country, nothing but an armed force can give effect to the first step to bring back order: and an army such as the dependent prince is supposed above to possess, will be a great obstacle to such a necessary reform. No progress can be made in that great work, without disbanding it; and another of a far differ-

ent military character being substituted in its place: whether this shall consist of native troops, or a body of auxiliaries to be procured of the protecting state, for a subsidy, is not a question for this place.

III. The duty of the superior to the subjects of the protected prince, has of necessity been incidentally touched upon, in some parts of the preceding division of this dissertation. I shall now treat of it apart; and enter into an explanation of its origin and measure. It is evident that the dependent prince could not be placed on the throne, and supported thereon by the greater power, without it had been able to conquer the state for him, the people not being attached to him and the army hostile. His elevation is, in effect, conquest, atchieved by its arms, or by the terror of its arms. It was in its power to assume the government; instead whereof, it appoints a sovereign. But it is under an obligation to see, that at least the people should be placed in as good a situation under such a prince, as they ought to have been under a conqueror. And Montesquieu has extremely well determined, what would be due to the subjects of such a principality.

"A conquest," he observes, "is an acquisition, "and we acquire to preserve and use not to de- "stroy: the spirit of acquisition carries with it

" the spirit of conservation and use, not that of " destruction.—The conqueror continues to go- " vern the state according to its former laws, and " only assumes the exercise of the political and " civil government; or he gives to both a new " form *."

" States," that writer further affirms, " that " are conquered, are not ordinarily such as " preserve their primitive institutions in full " force. Corruption has introduced itself into " them: laws have ceased to be executed, and " government itself has become an oppressor. " Who can doubt that such a state might not " be a gainer by conquest itself. A state in " the situation described might be rendered a " great gainer thereby †." It is the duty of the protecting state to see that their beneficiary realises to it every advantage that it would have obtained from a beneficent and enlightened conqueror: and not to suffer its situation to be continued worse than its own conquest should have rendered it.

Maxims breathing the very spirit of the law of nations are to be found in our own law: and such as the writers on the former might very usefully adopt, as parts of their code, because founded on wisdom and the law of nature. When an individual is appointed to a throne,

* Esprit de Loix, L. x. c. 3. † Ibid. L. 10. c. 4.

and supported thereon by any power, he receives "an estate upon condition implied in "law (that is, in this case, the law of nations), "here the grant of the estate has a condition "annexed to it inseparably by its essence and "constitution; although no condition is ex- "pressed in words. As if a grant be made to "a man of an office generally, without adding "other words, the law tacitly annexes hereto "a secret condition, that the grantee shall du- "ly execute his office, on breach of which con- "dition, it is lawful for the grantor, or his "heirs, to oust him, and grant it to another "person. For an office, either public or pri- "vate, may be forfeited for mis-user or non- "user." This is the doctrine laid down by Blackstone, who takes it from that great father of the law of tenures, Littleton: and he goes on further to say, "Non-user, or neglect in "public offices, that concern the administra- "tion of justice, or the commonwealth, is of it- "self a direct and immediate cause of forfeit- "ure*." When a country is involved in anarchy, a prince so constituted by the power of a foreign state, holds his throne on the condition of restoring regularity and law, if it be in his power: if it be not, and he refuses the external aid which may be necessary for that purpose,

* Black. B. ii. c. 10.

the universal scene of misery and crime which his non-usance continues, and confirms the duration of throughout his dominions, renders it of the highest obligation to the constituent state to oust him. It may also, having the power, and, as has been shown, a great interest to use it, cause the regular administration of law in the country to be restored; and that effected, it may deem it proper to overlook the breach of condition on the part of the original grantee, and reinstate him. The redress of this greatest of grievances, is a duty of the superior power to the inhabitants of such an afflicted province: and if it have only taken to itself the office of such appointment, and continued protection, it has taken that obligation, in its full measure, upon itself.

Any conditions in a treaty elevating such a prince to the throne, or engaging to protect him thereon, which shall be beneficial to his subjects; the superior power must cause to be put in execution: and by the application of its force, if not to be otherwise effected. The engagement made being in the behalf of the subject, vests in him a right which the subject only can remit.

These principles support authority, and authority vested with power: but they are in nothing connected with the unlimited and absolute domination of one people, or its govern-

ment, over another. They carry their own proper limitations with them. Nations are individuals with respect to each other; and are capable of many of those mutual relations in which individuals may stand: there is a relation in common life, in every point exactly similar to that of the two states here described; both in its origin, and the duties and rights of the superior power arising out of it, which regard the government and the people of the inferior state. And although that relation be artificial and of legal origin, yet it is the closest possible copy, struck out by necessity, of one of the two strongest natural relations, that of parent and child. That of the superior power, and of the Government and people of the other state, as above defined, precisely in every particular, coincides with that of guardian and ward. The parallel between the private and public relations might be drawn out in more particulars, the greater heads of it will be here only given.

1*st*, The origin of the relations is one and the same: the incapacity of the weaker power to protect itself against external or internal enemies, without the assistance of the stronger, perfectly resembles the inability of the ward to protect himself from injury in his estate, or in his domestic affairs.

2*d*, As the weaker power cannot wage war, or make peace, only under the auspices of the stronger, so the ward cannot come solely into a court of justice, to defend himself against any false claim on his estate, or to recover any part of it of which he is fraudulently or forcibly deprived. He must sue, treat, and conclude, under the authority of his guardian.

3*d*, When a difference of opinion arises between the two powers, relating to a measure of the internal government of the weaker; if it cannot be compromised, that of the stronger shall prevail; signified either by its head, or his accredited minister, or resident with the inferior state. The ward, in his conduct and domestic matters, is under the like direction of his guardian: or very frequently of a tutor, whom the guardian has empowered to act for and to represent himself.

4*th*, The superior is firmly bound to the protection of the inhabitants of the inferior state against all oppression; even if exercised by the ruler whom he hath set over them. On the guardian devolves the protection, not only of the person, but of the estate of his ward; and if it be a landed estate, of the tenantry of the same. Here his duty is double: in defence of his ward and his interests, all frauds and waste he must see prevented or punished: but all oppressions, vexations, or unjust impositions, attempted

against them, under the name of his ward, or in consequence of his errors or depraved passions, he is with all the power he has to repress.

These relations might be further compared as to some less leading particulars: but it appears superfluous, and it is evident that the rights and duties of the protecting state, with respect to the inferior, are the same as those of a guardian with respect to his ward, and none other.

SECOND PRELIMINARY DISSERTATION.

On the Question, Whether Nabobs are of right denominated Princes, and so considered, or not?

WE know that the sufferings of persons high in real and long acknowledged rank, excite a more universal and deeper compassion than those of others; if moral considerations, and of extraordinary strength, do not obstruct this effect. If the subtleties of a perverted metaphysical morality, founded on principles involving, but keeping out of direct sight, those of levelling and anarchy, might, seventeen years ago, have been by some urged with pertinacity against this truth, the multiplied occasions on which, during that time, we have experienced the certainty of the fact, has long since brought the convictions of it home to every man. A period in which elevation of rank, throughout a great part of the continent of Europe, has had no other personal effect on its possessors, than to expose many to death; more to prisons and exile; and to involve almost the whole of the remainder in abject penury and misery.

The present ruler of the country of Oude, in magnitude and in title a kingdom, has lately given up part of it to the East India Company, in lieu of the subsidy due for the auxiliaries furnished to him, and for certain arrears due to them. This has been effected by the vigorous councils of the Governor General, and a long train of negociation : and the Nabob came into the measure with considerable reluctance.

On this occasion all the indignation that eloquence can raise against the haughty oppressors of unfortunate princes, will be attempted to be brought forward to support the charge against Marquis Wellesley founded on this measure. But a topic may be of the utmost beauty in itself; their best and strongest forms given to all its members: they may be arranged with all the advantage order can give them, and the whole coloured with every tincture the noblest imagination can furnish, and yet this admirable piece of rhetoric, which shall be so produced, may want one circumstance on which all its effect on the party addressed ought to depend: *it may not be applicable to the subject.*

If this question shall go into parliament, we may safely predict that innumerable are the tirades of this description that it will produce, tricked out in every variety of form and manner. Political events have postponed this great

cause for a year: but when that day shall come, the select and excellent materials which have been condemned to sleep a whole winter in the portfolio of many an orator, will be brought to light, together with those which are already added to them, or are now getting together as the nascent elements of new philippics. And the advice of Longinus will be constantly present to them: let him who is desirous to attain the highest excellence in composition, continually ask himself, how would Homer, how would Plato have expressed himself on such an occasion? The orations of Burke and Sheridan will be the objects of their profound study; soon to become those of their happy rivality. And they shall transcend those bright examples of eloquence which they and we adored before, and establish their own in their places; and the beauties of oratory displayed in the first seven years trial, become eclipsed by those of the second. But I again repeat it, that these beautiful and pathetic elegies, on the oppression of unfortunate princes, are totally inapplicable to the present business. Thus much I have thought proper to say, on the certain future and dangerous abuses of the assumption that the rulers of the Indian provinces of the day, resemble the hereditary princes and greater nobility of Europe.

It was necessary to divide the great Mogul empire into many parts, to maintain any government in it. The primary division was into soubahships, most of them containing a great number of provinces: of these it is probable the soubah took the immediate administrations of one or two of the most opulent; in the others, Nabobs were appointed to act under him.

The Court of Delhi did not permit the nomination of his nabobs to the Soubah: their commissions were immediately from the sovereign. They were frequently changed, to prevent the formation of any dangerous connection with their superior: and, under some princes, as often as the weakest jealousy or caprice suggested to them a removal on the weakest grounds.

After the irruption of the Persians into Indostan, even their retreat left every pillar and buttress of the Mogul empire shaken to its basis. Certain nabobs, so early as 1740, demanded the possession of their offices for life; and, such was the weakness of the state, the demand was of necessity complied with: nor were there wanting some who endeavoured to have them rendered hereditary, a claim utterly repugnant to a great fundamental principle of the constitution of Indostan; which rejects all hereditary titles or nobility. The eldest son of the vizier himself is not in rank elevated above the

descendants of the meanest peasant: to be noble, he must wait to be enobled by the sovereign, or be made an Omrah: out of the body of whom, about 4000 in number, all the officers of state were taken.

And whatever claim these rulers of provinces may pretend to set up for holding their offices any otherwise than at the will of the Mogul, their original titles or firmauns should be examined, as far as it can be done with the most attentive jealousy. However incredible such an audacious crime may be reputed, the forgery of these instruments was not unfrequent. When the empire was hastening to its fall, an adventurer who had a sufficient body of troops at his disposal, would expel the legal nabob and occupy his place. For this he pretended the orders of the sovereign. But such even then was the attachment of the lower orders to the Emperor, that they were thought to require some more evident proof than the assertion of the new governor, which was perhaps counterbalanced in their opinion by the negative of the former. The public investiture of that officer in his province was at least frequently performed by some minister sent down from the court with a train of attendants answerable to the dignity of the sovereign. The usurper had recourse to a theatrical exhibition of this ceremony: at a due distance from

the province. The actors in this pageant were all prepared. It was announced that the minister of the Imperial Court was on his way to the province with the Mogul's formal ratification of the usurper's power. When the procession was arrived at the proper station, the new nabob and his train advanced with the most loyal deference to receive the forged imperial firmaun from the Emperor's select and confidential minister; and this stage trick had its effect in persuading the people of the perfect legality of the usurper's title; and the distresses of the court at certain periods had been such, that for an inadequate consideration it has been obliged to sell its connivance to such a treasonable proceeding, or even possibly to disguise its notice of the transaction, that its weakness might not be disclosed by its inability to inflict a due punishment upon it.

How familiar and how frequent these forgeries were at the time the nabobs began to set up for themselves, a singular and striking instance may be given. France was the first European power that endeavoured to exact or obtain cessions of territory from the empire. This happened during the war 1739. After the peace of Aix-la-Chapelle, the two companies, by their agents, entered into a negociation to adjust their differences, an object not provided for by the treaty. The English, jealous of the great

power acquisitions of territory gave to the French, required the production of their titles to them. And on the first examination they refused to admit the validity of the whole or the greater part of them; under the declaration that there were strong internal presumptions of their being mere forgeries. The French, of course, expressed themselves indignantly on the charge, but withdrew them, under a declaration that they would permit no farther examination. Such firmauns will not convey to those possessed of them the honourable title of princes of the Mogul Empire.

And there may exist titles of the same kind of a better origin, but now not surpassing these in validity, regularly executed instruments stipulating the remittances to be made by the nabob to the court. When he finally withdrew these payments, the condition of the power assigned to him, he divested himself of it, and his title became an absolute nullity; and this is the state of all these rulers of the provinces of nabobs.

The consequences of these crimes went far beyond what immediately present themselves to us, that of privation arising from simple fraud: these remittances were among the nerves of the imperial power. In part they sustained its state and magnificence, in part paid the troops more immediately stationed in the countries

round the court, as more particularly the guards of the sovereign; always the most expensive part of the military establishment of an empire. To support both with diminished resources, soon exhausted the private treasures of the Emperor, if he had any so applicable; and discontent and murmuring spread among these pretorians, at the delays or uncertainty of their payment. A loyal province is invaded: with an exhausted treasury, and a discontented central force, nothing is to be effected: it is lost: and the capacity of the empire to defend what remains to it diminished. Thus the revolt of a rich province on the frontiers probably draws on the additional loss of part of the more central countries still remaining loyal. The first criminal example passing with impunity, was extensively copied: and the actual possessions of the Emperor became circumscribed to the walls of Delhi; which afterwards fell under the subjection of every temporary occupier. And he who, by joining this act of robbery with rebellion, shall have established a direct and sovereign dominion in his own district, and leave it in the possession of his family, we should not esteem the root of a dynasty, but the cutpurse of an empire. And to such rulers we shall not pay the honour due to the greater or the less baronage of ancient Europe; or even that which the native feudal nobility of India, the Hindoo Ra-

jahs will, on the same ground, claim. Although with respect to the latter class of nobles, it must be noted, that the very weeds which sprung out of this system on the Western Continent have now attained their most enormous growth, and the most poisonous quality in India: and necessity calls for their eradication: a measure which might be made to ameliorate the state of the Indian nobility, and that of their depressed vassals.

I cannot enumerate all the modes which the nabobs had recourse to to usurp their respective provinces: some obtained them by stipulating a valuable tribute, the payment of which they withheld; these have been already noticed. Others probably abused the distress of their sovereign, to extract cessions from him, for the most inadequate considerations; by compacts made in a state of duress, a great part of which was brought upon him in consequence of a long antecedent series of annual robberies which they had committed against him. While a third class seized their own governments as their property, without the stipulation of any consideration, or even the pretence of it.

It has been said above, that examples may be produced of the Mogul alienating his imperial rights in certain provinces for an annual tribute: of this some explanation shall be given, derived from the following fact. When the

Emperor found his inability to support his authority in Bengal, he proposed the purchase of the office of Nabob, together with that of all the imperial rights in the province, to the Company: they rejected it, but concluded a treaty for that of the Dewan, or of collecting his revenues in the country, for which they engaged to pay him annually £300,000: besides an inferior sum to the Subah for his losses by this transaction. The payment was regularly continued for some years: but this unfortunate sovereign falling into the hands of his enemies, our remittances were seized by them, and even employed hostilely against us. The Company therefore suspended its payments some years since; and it has never renewed them. But by his late happy liberation, he acquired the capacity of being benefited by his treaty with us, and the obligation to renew the annual payment recommenced. And the firmest obligations of good faith required that the arrears should be duly liquidated; at least by the addition of their interest to the yearly subsidy. An obligation a British parliament will suffer no party, through any motive, to consign to oblivion.

Exhausted by old age, calamities, and sufferings, he enjoyed but a short time the happy change of his state. All his rights now vest in his son, who succeeds him on the throne of

Delhi. Nothing can be more plain than the equity of the claim to these arrears: Marcus holds a sum of money, the property of Titius; but he knows the road between their residence is so invested by robbers, that it will be lost to the latter, if he should attempt to send it; he therefore prudently refrains from that step; but, merely to prevent the loss of Titius. He is obliged to repeat this precaution: he still remains debtor for every distinct sum of money received or retained, and if he refuses to pay them all, he only prefers embracing the opportunity himself to defraud Titius, to suffering the other robber to avail himself of it.

Still there must be added some further remarks on the position, on a former occasion most gratuitously and erroneously assumed, that the individuals thus fraudulently possessing themselves of the government of these provinces, are entitled to be considered as princes and hereditary princes. The plea of prescription will be set up: sometimes a salutary fiction; and as such admitted in the laws of most states, and in that of nations. And the belief of its application to the case of the Nabobs has been sedulously inculcated here. But there is a term of time before the expiration of which it cannot take place, which is capable of the clearest designation and proof. There is a period when the possession of an estate in fee

simple, if fraudulently obtained, will give some descendant of the wrong doer a prescriptive right to it. But if possession had been granted by the owner on condition of a certain yearly payment to be made to him, and the person so acquiring it should make an entire cessation of the performance of that obligation; could either he, or his first or second descendant, their successive periods in their possession having been extended to no extraordinary length, set up a claim of prescription founded on any principle of law and equity? And against that of the original grantor, or his next or following successor, for the entire repossession of the estate? Is there a court where equity and law retain any ascendancy that would admit such a prescription? It is contrary to the first principles of justice; and therefore to that great code of justice, prescribing laws to the different societies of human kind. Prescription cannot be pleaded by or for an individual holding the government of a country in such a manner; whether the usurpation were his own act, that of his father, or grandfather. The better emotions and affections of mankind are not to be appealed to by a fiction that such fraudulent occupiers of dominion are princes by prescription: and by real covenant, of which they have broken the great condition on their parts, their right is none. And this was the only right the

individual whom we call the Nabob of Oude, could possess, when we placed him on the Musnud. And the only rights he possessed, with respect to us, were defined by our compacts with him. The qualifications and style he is suffered to take in these treaties, are the complimentary forms of diplomacy only, with no binding sense annexed to them. The practice of admitting such forms has been carried somewhat further in Europe: in Cromwell's treaty with France, the style he took was, of England, Scotland, France and Ireland, protector. And the King of France, in his treaties with Spain, always styled himself King of Navarre. But the most singular instance to be found, is in all the treaties between this country and France, previous to the last, where, in one of the two instruments, the King of Great Britain constantly styled himself King of France also.

The last proof to be given will confirm the position, that they are not princes, and independent, but establish their real character, that of Imperial Lieutenants. The English Company has never consulted the Mogul, whom they should elevate to the Musnud; yet by the late papers we discover it to have been an object with them to legitimate the elevation of their benificiary as soon as possible. This they have, we may well suppose, with little difficulty obtained. The unfortunate sovereign

appears to have reasoned thus: if I nominate another nabob, instead of him placed in that station by the Bengal government, to support him is impossible, and the person appointed will then rule in full defiance of my authority. But if I give him his nomination or firmaun, as solicited; my rights are recognized by the application for, and by the acceptance of my legal appointment. And in future periods, the probability is somewhat greater, that the acknowledged right of appointment, may again become actual possession; than that a claim long trampled upon, almost lost in memory by time, and arrived at the period of prescription, should be revived with success. Something of ancient dignity besides, although diminished, attends the act. Some expectation I may also build on the boasted justice and humanity of the English nation; that when times shall permit, they will endeavour to extricate me and my family from the abyss of misfortune into which we are fallen: and if they be actuated by such a principle, my grant of the application must strengthen, my refusal, impolitic on every other ground, weaken it.

The Indian powers thought this subsequent appointment by the King, necessary to the legitimate establishment of our nabobs whom we, *de facto*, created. Thus when Vizier Ali succeeded for a time to his reputed father Asoph ul

Dowlah, the Emperor Shah Allum being then a prisoner with Scindia, that chief wrote to the Governor General, an offer to cause that sovereign to dispatch to our beneficiary his appointment from him. Whether this offer was accepted does not appear: but the ground on which Scindia made it, his belief of the necessity, is evident. Again; when justice and policy obliged us to take from Vizier Ali the power he had assumed by our sufferance, and appoint the present Nabob Saadut Ali to the government of Oude; some little delay in receiving an imperial appointment for him, gave a certain degree of anxiety to Sir John Shore, who had effected his elevation. In the minute to the Governor General and the board, in March 1798, he mentions that "no answer had been "received from Shah Allum to the addresses "of the Nabob Vizier and himself, on the sub-"ject of his accession. But he expresses his "satisfaction at the sentiments the King had "expressed upon the subject, to his agent at "the court of Oude, confirming the informa-"tion he had before received from Reza ud "Dien*." Thus the Nabob is actually created by the government of Bengal; but his legal appointment is by instrument from the Emperor. He is therefore legally an Imperial Lieu-

* E. I. Papers, No. 1. p. 24.

tenant: an office perfectly analogous to that of Lord Lieutenant of Ireland. But in the functions of his office, he is limited very much by the Bengal Government; and not independent even therein: he is therefore neither prince, nor independent.

But these provincial lieutenants had withheld their stipulated tributes, and cast off their obedience to their sovereign, before the English obtained any footing in their countries. Yet one claim to the dignified consideration which was, on a former occasion, so mistakingly and profusely conferred on them, might still have been preserved to these fraudulent usurpers. Out of the immense revenues yearly due to their sovereign by their tenure, of which they yearly defrauded him; enough might have been sent to him to keep him above the want of physical necessaries. History, recording the unfortunate fate of princes, has many examples of tragedies rapidly terminating, and with the most bloody catastrophes. But that of no sovereign seems calculated to excite more melancholy, or a more permanent and deep compassion, as forming a continued series of calamity successively added to calamity: until they came to include in their growing mass, almost every suffering human nature can exist under.

At his accession, his estate, though elevated, had fallen far below the splendor of that of his predecessors. By loss after loss, revolt after revolt, to which he was able to make no effective opposition, he saw his possessions pass into other hands: himself alternately a state prisoner to one party or another. His oppressors seized all the tribute still honestly transmitted to him, the payment of which then ceased of course: and they left him deprived of the common conveniences and almost necessaries of life. It is a singular circumstance, but it is of consequence here to note, that although his enemies had seized all his legal revenue, they never seem to have descended to the meannesses of petty larceny: the little contributions of loyalty, of reverence, and of generosity, were not intercepted in their course to him. This consequence is drawn from an account Mr. Hastings has given of the singular filial piety of the old Emperor's eldest son: an anecdote so beautiful, that it were to be wished it would not be too much a digression to give place to it here.

The custody of the captive Emperor fell successively into the hands of different parties; the Rohillas, the Marattah Scindia, and the French adventurer Perron. The cruelty of the former inflicted on him almost all the additional misery he could suffer and survive. This

calamity Tippoo Saib himself, in a letter to the Grand Signior, describes, and not without feeling: "The eyes of the lawful sovereign of "Hindostan were put out by his own servants, "by the command of the Rohilla chief Gho- "laum Caudir *." And even the tyrant adds, "He is seated in his house in a state the most "abject, and the only resources for his mainte- "nance the fruits of his garden."

And in all his successive states of misery, we see the persons calling themselves nabobs, who had robbed him of the immense amounts of their due, or their stipulated payments; thereby at least disabling him, in every period of his reign, to support the expences of his court, and defend the possessions remaining to him; which was quickly followed by the loss of all; we see these men, rioting in his spoils, refusing to fling to him, when blind, old, in extreme penury, that offal which might have made his condition at least somewhat more tolerable. Hereditary dignity itself must have been lost, by so base an act, as the original seizure of the immense revenue confided to the faith of each, followed for a long series of years by the continuance of such inhumanity to the victim of their crimes. Hereditary princes, although he might have in reality made them, this corruption

* Answer to a Letter of the Grand Signior, September 23, 1798. Annual Register, 1790. History, &c. p. 69.

of soul must have generated the most loathsome corruption of blood, and all its consequences. And no claim to dignified consideration can any of the whole class of persons called Nabobs advance, on account of their conduct to their sovereign in his unexampled calamities.

The last account of the sufferings and degraded state of this descendant of Timur and Aurengzebe, goes to particulars of another kind; it exhibits that mockery of royalty with which he was daily insulted: the last of contumelious outrages which can be put upon an august character, which it suited not the iniquitous schemes of any of his oppressors ever to appear to divest him of. He fell into the custody of Scindia the Marattah: but this custody, with the blindest impolicy, he intrusted to Mr. Perron, who was at the head of a force Scindia had once thought his own, but which was become far superior to the army of that chieftain; officered now by French, and entirely under the disposition and independent command of Perron. He knew how to avail himself of the prisoner he was in possession of. But a great part of his army was dissipated by General Lake, and he surrendered to him. After some other actions the General advanced at the head of 4500 men to the banks of the Nullah; here he had to encounter an army of Scindia's of 19,000 men, and gained a decisive victory over

him, within six miles of the walls of Delhi; and the fugitives made no attempt to carry away their royal prisoner.

He immediately sent to General Lake to put his person and authority under his protection, and his heir apparent Mirza Akbar Shaw to conduct him to his presence, in the palace at Delhi. "There he found him oppressed with "the calamities of old age, degraded authority, "extreme poverty and loss of sight! His Ma- "jesty was seated under a canopy scanty and "tattered—all that remained to him of his for- "mer state; with every external appearance "of wretchedness *." A deliverance which, it is to be hoped, will secure to him, during the short period to which his life may extend, all the ease, repose, and comfort which he is still capable of enjoying. When this was writing, that period was already expired.

* Annual Register.

A

REFUTATION

OF

THE CHARGE

BROUGHT AGAINST

THE MARQUIS WELLESLEY,

&c. &c. &c.

WE have before had in India Governors whose administrations have been brilliant, and produced the most solid advantages to the Company: but in every point of comparison, they have been excelled by that of the Marquis Wellesley. And numerous as the greater victories were which were obtained by his councils, they had all one quality attached to them, which has not always belonged to our splendid exploits on the Eastern Continent; they have been necessary to our existence there as a substantive power; which, when wanted, war, constantly attended by victory itself, frequently is the subject of due reproach.

These successes have been justly and necessarily followed by an increase of the Company's territory. When a power is obliged to arm in its own defence, if it terminates the war victoriously, it has a moral right to have its entire expences reimbursed. This is its first claim from the vanquished: but there exists another not less in weight, or less in absolute justice. When a nation is unjustly attacked, it is forced into the hazardous situation of either losing its existence as a state, or, as is more common, of a part of its possessions: and it would be worth frequently a very great expence, or even some not inconsiderable part of them, to be absolutely insured against this hazard. Circumstances indeed have compelled every state to become their own insurers: but the entire value of the insurance is a second debt upon the aggressor; and if he cannot pay both in money or tribute, he must pay it in lands ceded.

But it has not been by absolute conquest alone that the territories of the Company were increased during Lord Wellesley's administration; after a long train of negotiations, and other transactions, the ruler whom we had established over the province of Oude, and who was maintained there only by our support, ceded to us a considerable part of it in lieu of certain arrears, and the subsidy payable for the troops we employed for that purpose.

The grace with which this cession was made was by no means equal to the justice of the claim, or the necessity, which, if not created, had been indefinitely augmented by the person on whom it was made. And his complaints, or supposed complaints, have occasioned the strongest censures to be passed on this transaction in this country. These charges are the subject of this piece. The materials of this defence will be taken almost exclusively from the papers on the East India affairs, laid before the House of Commons, in the spring and summer of the last year, as a basis on which that House might have come to a decisive vote on the charge brought against the Marquis Wellesley. Those points of the evidence which, it is foreseen, the opponents of that nobleman will chiefly endeavour to avail themselves of, will be clearly stated and considered: there are others indeed, which some desire of brevity, but a greater not to be betrayed into an anticipation of objections which may be now called, and will hereafter be found futilities, will induce us to pass over without notice. We then shall not attempt to deprive the political Rorarii, in the camp of his opponents, of their little light missiles, or hinder them of any part of the amusement they promise themselves in their expected puny war.

Politicians lately, when Europe contained a due number of nearly equal states, mixed with

others of inferior strength, divided the whole number into two classes, as differing in their power of resisting an attack by a Government of the average military strength and resources. The stronger were called substantive, and the weaker non-substantive powers.

There exists, perhaps, no government internally unassailed by something of resistance, or enmity to it, latent or declared. The power of the opponent principle frequently does become superior to that of Government; which, therefore, will be unable to exist without succours from a foreign power. Such a Government, considered internally, may be properly called a non-substantive Government. It may also be exposed to an invading enemy, whom it is utterly unable to resist: a foreign power may take it under its protection against its enemies of both kinds. The rights and duties of such a power have been abstractedly shown in the first preliminary dissertation prefixed to this tract; and in the course of it we shall consider all the points there laid down as proved, and cite them as such.

In that subordinate situation Oude and its rulers have long stood to this country. From the body of the evidence before the House, a great number of authentic testimonies might be brought forward for this, but that of Lord Cornwallis will be here alone produced, as among all

our Governors General he is supposed to have regarded the dignity of those rulers or nabobs with the most favourable eye. Writing to Asoph ul Dowlah, in 1787, with regard to his strength against foreign enemies, he states that "the protection of his dominions cannot be "effected in a proper manner without the as-"sistance of the Company's troops*;" and without that assistance, he further observes, not only "his dominions," but "his authority would be "insecure †." And the Nabob, in his answer, admits tacitly this picture of his fallen state. This "friendly letter," in his answer he says, "from so great a chief, possessed of divine "wisdom and understanding, breathes in every "word the strength of friendship, and his Lord-"ship's kindness and magnanimity has occa-"sioned him an excess of pleasure and hap-"piness," &c. ‡

We see here, on the authority of Lord Cornwallis, that Asoph ul Dowlah could not support his authority by his own proper strength: but by collecting even the slight notices we have of what it was, how far that of successor fell below it, how much more *he* rested on our protecting support to uphold him in the situation in which our act has placed him, will be evident. The proper power of Asoph ul Dowlah

* E. Ind. Papers, No. 6. p. 1. † Ibid. p. 4. ‡ Ibid. p. 3, 4.

was founded on the affections of those he ruled over, his military force and his revenue. He is described to us as having been "as profuse "and improvident a prince as ever reigned," whose "extravagance placed him at the mercy "of a vast variety of extortioners*." From the public revenue, for expences that may be reckoned merely personal, he took the large sum of 79£ 59,660 Rupees, and of this sum 22£ 68,809 Rupees were for the charge of the privy purse. The same great aggregate is paid to the Nabob on all the joint accounts to 1800; the charges for the privy purse 22 Ls., his private economy enables him entirely to save, as well as considerable sums on some of the other articles, which are poured into the private treasures†: and in many cases the privy purse robs the exchequer, and, to name it by a very gentle name, the economy of the ruler deprives the state of its resources.

Some of the expences of Asoph ul Dowlah displayed all the follies of puerility; he was very much delighted with double barreled guns: and the value of his collection of those pieces was £150,000 Sterling: his wants thus increasing on him made his government very oppressive, and its oppression increased with them. Whatever support it might have

* Minutes of Evidence, p. 54. W. Cowper, Esq.

† No. 3. p. 156. Col. Scot.

derived from the affection of the inhabitants at his accession, inadequate as it was, was greatly diminished before his death. His prodigality sometimes led him into extravagant acts of what is falsely called liberality: and his public appearance and processions were extremely magnificent. Much oppression may be exercised by a sovereign, yet with a few well-timed largesses, and splendid public spectacles, it may be a long time before he comes to be hated. His troops were unequal to the protection of his internal government, "unskilful and "undisciplined*." But there has not been discovered in all the evidence produced, that they entertained any thing like disaffection to him. The revenues of Oude, at his accession, were relatively in a prosperous state: but from that period to his death, they decreased with the most alarming rapidity; and the government which was transmitted to his successor, was in power much less equal to its own support, than it was when he received it.

Saadut Ali may be considered as the immediate successor of his brother Asoph (passing by the short occupation of the Musnud by Vizier Ali); no long period after his accession, the powers of self-support remaining in the government were found much weaker than they

* Letter of Lord C. to Nabob, 1787. E. I. Pap. No. 6. p. 4.

apparently were at the decease of his brother. Let that power be considered in its integral parts successively, as before. Revenue is the sinews of power internal or external. Notwithstanding the great defalcation of the income of Oude in the time of Asoph ul Dowlah, it was further greatly decreased in the three first years of Saadut Ali. In 1801 he transmitted to the Marquis Wellesley a statement of the revenue of the country; from this description it is to be understood, that its amount in divers years for a considerable period past was therein given: from which statement the arithmetical deduction was, "that the resources of his dominions "were declining, with a rapidity menacing the "joint interest of the Company and the Nabob "in the province of Oude, with utter and speedy "destruction*. The public income was reduced "in every district; and every settlement with "new aumils was concluded for a diminished "jumma†." The aumils are farmers general of the revenue of great districts; and the jumma the yearly rent they agree to pay. These are general positions relating to the whole province: the papers enable us to give with tolerable exactness the defalcation of income in some of the greater district of the Nabob's territories. Rohilcund, before it was conquered by the

* E. I. Papers, No. 3. p. 149.

† Ibid. No. 3. p. 143. Col. Scot.

English, " paid 80 lacks of rupees a year, and " afterwards a crore*." This noble territory our munificence added to the dominions of the Nabob of Oude. Lord Cornwallis, after thus stating its former value, adds, 40 lacks cannot now be collected from it. In 1801 it was valued by the Company's agents at 39 lacks of rupees. The Nabob contended that its true produce was 44; and it was settled at 40 lacks. At this rate this ruined and exhausted country, reduced to this state, by our unfortunate liberality, was received in 1801 as part of the territory ceded by the Nabob, and a stop thus put to the fatal effects of our former act, its progress to the last stage of desolation; and the best hope afforded to it of becoming again, in no long lapse of years, what it was before. And it is to be observed, that the value this gift of ours was taken at, the dreadful abuses of which almost gave us a right to resume it, without any valuable consideration, exceeds two thirds of that of the whole of the ceded districts. Add the Douab of the Jumna and the Ganges, a like donation of England to Oude, and abused in the like mode; and it will appear, comparatively speaking, that by the cession the ancient kingdom of Oude itself has only been amerced in two or three paltry manors.

The income of that great part of Rohilcund,

* Letter of Lord Cornwallis to Nabob, 1793, E. I. Papers, No. 2. p. 16.

which is named Bareilly, in 1774, was 60 lacks; it does not now produce more than 36*. Rehen, ceded to the Nabob, in 1794, the revenue of which was 10 lacks, now yields barely 4†, from Goruckpour, which formerly contributed to the public charges 12 lacks, so early as the year 1793, four only were received, "and other "mekals were then in a state of progressive "decline‡."

Hence it appears that the progress of the nabob's revenue to annihilation was most rapid; the disorders producing this decline, by his own confession §, having been accelerated in their progress under his government; the failure consequent upon them must, under him, have been augmented with a proportionally increased celerity. The amount of this diminution of the revenue is every where, in the other part of the papers, spoken of in general terms: the particulars here flung together, although presenting a notion very indeterminate of its degree, yet gives us one somewhat more precise than what can be gathered from the passages where it is more loosely mentioned, they are therefore here stated with the reflections upon them.

* Resident at Lucknow to Governor General, 1798, E. I. Papers, No. 2. p. 40.

† Lord Cornwallis' Letter to Nabob, 1793, E. I. Papers, No. 2. p. 26. ‡ Ibid.

§ Col. Scot to Lord Wellesley, E. I. Papers, No. 3. p. 65.

The aid Saadut Ali could receive from his effective revenue was much less, therefore, than what it afforded to his brother. The other two heads of comparison will be briefly passed over, as a most particular consideration is to be given to them under two other main branches of the argument. With respect to the affection of the inhabitants to him, one great foundation of the internal power of government, we may content ourselves with one of his own declarations to Lord Wellesley; which will hereafter require further notice: that "the people were "disgusted with him, he with the people;" on their regard he could build nothing. As to the country troops, if they noted at all the maladministration of Asoph ul Dowlah, they noted it with tolerating eyes. There seems to have been no spirit of disaffection against him pervading the general body of his army: but the troops of Saadut Ali have been, from the commencement of his administration, directly hostile to him. The forces he sent at that time to intercept the retreat of his rival assisted the latter in his escape: and at a subsequent period, when his dominions were threatened by a foreign invader, he was obliged to apply for an addition to the British auxiliaries, to overawe his own troops, ready to act against him; and a British regiment to protect him from the swords and treason of his own guards. Therefore in constituting him Nabob, and supporting him as

such, the Company has contracted all the duties with regard to the inhabitants of the country, and acquired all the rights with respect to its ruler, which have been shown in the first introductory dissertation to follow from its placing itself in this situation.

The rights of the protecting state over the ruler of such a country, as defined by that system of moral equity, the law of nations, may be indeed modified by the terms of treaties and compacts between them: but such articles as seemingly decline from that law, are to be most strictly, and those of the contrary description most liberally construed. From these rights qualified by their modifications, there has still arisen a certain power or controul that the Company's government has constantly exercised over that of Oude in its external and internal administration: that power, its extent at different times, and the mode in which it has been exercised, is to be considered, together with the future mode of its exercise, as clearly defined by the treaty between the Marquis Wellesley and the Nabob in 1801.

It has been thought proper to bestow some care in showing that the government of Oude was non-substantive, or could not stand by its inherent strength. While it exists, therefore, it must be assisted by some other power, and that power must act where the weakness is; that is internally; the most solid buttress, built

not in contact with an edifice, is no prop to it when ready to fall. Now two powers cannot operate together in one state, without operating on each other, each modifying the action of the other according to its strength: and it may therefore at times become right for the protecting power to act in controul of the feebler government: protecting also the state itself against all foreign force, it will have a right of controul over it in all its political relations.

The controul the British Government in India has in fact exercised over that of Oude, is to be shown. In the first dissertation it has been demonstrated, that two powers being joined in an unequal federation, the inferior loses that great mark of independant sovereignty, the rights of making war and peace; and sending ambassadors to foreign powers. A correspondence might indeed take place between the less powerful federate and such a state; but on subjects of an inferior nature: yet in Oude there has been no instance even of the latter kind; and Lord Teignmouth informs us, that "in fact there had been no correspondence for "several years carried on between the nabob "and any other prince *."

The controul which has been exercised over the internal government of Oude, is a subject

* Minutes of Evidence on the Oude Charge, p. 23.

requiring more explanation; and under this head will be considered its extent and variations; the system on which its principal part was carried on; the radical errors of that system; and the complete reformation of it by the treaty of 1801. Of the notices now in general possession, with relation to it, it is only a few the most prominent and striking which can be adverted to: if we were to take the apparent sentiments of the present Nabob, indeed, with respect to the just extent of that controul, this head would be very briefly dispatched. He expresses a sense of duty to the Company, admitting no limits to be put to it:—"to whom "he is from his heart desirous of manifesting "obedience as long as he lives *."

But to pass this by, as a declaration of less weight than singularity, the party considered, this controuling power had come, in 1787 at least, to be abused for purposes no policy or justice could tolerate. In that year Lord Cornwallis, writing to the Nabob, signifies to him "his firm resolution that no interference thall "take place in the details of the affairs of his "government †." Words tacitly reserving to the Company every claim of authority they might ever have advanced to the direction of his councils, in all greater measures domestic or foreign.

* Paper to Col. Scot, 1799, E. I. Papers, No. 3. p. 105.

† Lord Cornwallis to Asoph ul Dowlah, E. I. Papers, No. 6.

There are certain practices which had obtained in Oude, which were at that time specifically prohibited by the Governor General, as instances of this interference in the detail of the affairs of Government. " For several years " past, the inhabitants of Oude had appealed " to the Government of Bengal from that of " their Nabob;" a practice Lord Cornwallis was determined " to put a stop to *." In the treaty to which this letter was not only the overture, but adopted afterwards in substance as a part thereof, another very beneficial renunciation was made on our part. Individuals in India, entered annually into contracts with our Government there, to supply the Company's investments or parts of the investments procured from the province of Oude. After the terms were settled, they found the means, by their representations, to persuade Government that they could not otherwise fulfil their contract, unless it granted to them the right of pre-emption † in those commodities they undertook to purchase. That is, to issue a prohibition to all other parties to sell or purchase any of the kinds of merchandize or goods which these men had contracted for, unless their demand

* Letter of Lord Cornwallis to Asoph ul Dowlah, E. I. Papers, No. 6. p. 6.

† Lord Cornwallis to Secret Committee, Aug. 1787, E. I. Papers, No. 6. p. 16.

were fully supplied; and thus the native owners were obliged to hold them, until the market price fell to that, predetermined by the contractors.

Yet this is doing but half justice to the enlightened attention these contractors paid to their interest. Still they advanced a further unprincipled pretence, that even on the reduced prices of the articles thus collected, the duties they were liable to, before they could be gotten out of the Nabob's dominions were such, that they must be considerable losers by their agreements with the Company. They therefore demanded and obtained an exemption from all those payments*. That the Company at home approved the abrogation of these two abuses, even if before tolerated for too long a time, exempts them from one of the severest objections which can be alleged against a merchant or mercantile company exercising sovereign power, in a country where they carry on their commercial pursuits.

When the precedent of exemption from duties was thus established, the occasions of them became multiplied. For Lord Cornwallis, in his letter to the Nabob, here frequently referred to, speaks of them as forming two classes, "public and private†." Our residents at Oude

* Lord Cornwallis to Secret Committee, Aug. 1787, E. I. Papers, No. 6. p. 16.

† E. I. Papers, No. 16. p. 5.

seem to have given their aid too often to these claims: and this very act of theirs he gives also as an example, of that interference in the detail of the Nabob's government, which he was determined to suppress. And it is to interposition, and suspension of laws of the nature already described, appeals to Calcutta, pre-emption, and exemption from taxes, that, in the passage quoted above, the name of interference in the country government can alone, in Lord Cornwallis' first sense of it, be applied. He immediately after gives more latitude in general terms to the prohibition: but if we compare this with the recommendation which he gives in the same letter to the Nabob in favour of the minister Hyder Beg Cawn, and his direction to the resident at Lucknow to support him against his rivals; it is impossible to say how far, in his practical principles, Lord Cornwallis extended or restrained that latitude. Further remarks on this subject would form too long a digression.

But it is the exertion of British interference in the higher functions of government, and how far it has been customarily exercised, that is to be more especially considered. From the beginning of our power in that country, to the year 1801, W. Cowper, Esq. when examined before the House of Commons, affirmed, that "he could not recollect a period when any

" material affair was managed at Lucknow, " under Sujah Dowlah, Asoph ul Dowlah, or " Saadut Ali, without the direct interference " and controul of the British Government*." His residence in India was 32 years: the strongest proofs might be brought of his judgement and great knowledge in the politics of India, which give full weight to this declaration.

We have here a tolerable good measure of the quantity of controul exercised by us, in the greater measures of the internal government of Oude. And, considerable as it has been, it will be hereafter seen, that it has not equalled the necessity. But a government thus maintaining an ascendancy over another, must demit its powers to certain agents, to act in its behalf and by its instruction. And in the due choice of intermediate parties with respect to situation as well as ability, the proper construction of the machine by which the one government is to impress all its intended movements upon the other, the difficulties or facility, the harmony or latent disorganizing discord of their connection, will depend.

The mode the English Government employed to rule the councils of Oude, and that its influence should pervade all the greater branches of administration, at first sight seems to

* Minutes of Evidence, W. Cowper, Esq. p. 50.

have been adequate, and in reality was of great power. They assumed the appointment of the Nabob's principal minister: that is, he constantly nominated the person recommended to him or required of him by the government. "Hussein Reza Khan and Tickait Roy, mini-"sters of Asoph ul Dowlah, were displaced by "him *." To have made a new appointment, "until Lord Cornwallis' return from the coast "to Bengal," never did nor could enter "into "the Nabob Vizier's contemplation †." And Lord Teignmouth having gone to Lucknow, those ministers were re-established, and one or more others were so raised by the Nabob, "it "having been required of him by Lord Corn-"wallis ‡." Here we observe, as it might have been done before, that that Governor General did not understand the interference which he prohibits, to affect the power by right or custom exercised by those in his high office, of nominating the ministers of Oude. And the latter "considered themselves, and were con-"sidered as responsible, not only to the Nabob "of Oude, but to the British Government also, "and completely so: the records prove this in "the fullest and clearest manner. And it cer-

* Lord Teignmouth, Minutes, p. 4.

† G. Johnstone, Esq. Minutes, p. 33.

‡ W. Cowper, Esq. Minutes, p. 47.

" tainly was the opinion of all the subjects of " Oude, that the ministers existed only under " the protection of the British Government; " they could not have held their places an hour " without that protection*." As to the British interest, and all measures affecting it, the instruction which the minister received from the British resident he was obliged to conform to.

A plan of administration more confused in itself, and tending to generate more confusion in the course of affairs, could not have been struck out. Who is the apparent and middle agent? The depositary of the plans, the wants of each, and the common interest of both? Who is to blend their systems together so as to obtain all these purposes to the utmost, or in a high degree? A man professedly acting in a double character; furnished with double powers which he has accepted; the articles of which must be frequently inconsistent, sometimes diametrically opposite to each other: involved in a double set of duties, very often not to be reconciled. If he act against the British system or interest, his dismission is certain; while, from the displeasure of the Nabob, he has no such event to fear.

If he want firmness of character, when in conference with his sovereign, or in council,

* W. Cowper, Esq. Minutes, p. 47.

to insist upon his instructions from the English government with their full strength, his use as a medium of communication between the Company and the administration of Oude is lost. And as he will not state to the resident his own imbecillity, the loss may be of some danger before the cause be found out. But in what an anomalous inverted intricacy of situation must the government be frequently involved, if he be of a contrary character? A great measure is agitated before the Nabob in council: desirous, perhaps, that the determination which he knows must be taken, may have the free assent of his sovereign, and carry all the appearance of it; or perhaps to decorate the triumph he knows he must obtain over him and the council, by this parade of loyal consideration; he defends the measure which he knows must be ultimately embraced, with all the clearness and zeal of which he is capable. His opinion is outvoted in the council, and negatived by the Nabob, when he takes upon him his second character; the servant assuming the representation of that great power, whose arms had placed his master on the musnud, and can alone support him there: the loss of whose continued protecting favour is deposition and exile at least: and the master is obliged to submit, without the possibility of the measure he is compelled to come into, appearing as his voluntary act. What a

bitter and long draught of indignation is he not obliged to swallow? And is it to be supposed that the superior power cannot find an organ to convey its councils to the dependent state, by means more direct, less absurd, and involving no necessity of duplicity?

This occasional controul of the Nabob by his minister, exposes the administration to the contempt of the people. To the minister his enmity is supposed to be constant: as the people hold perpetually that "he would lose his place in two days," if not supported by British interest. Thus the authority of the Nabob is degraded by its being universally credited that his minister is imposed upon him by a foreign power, and that he is liable to be insulted by him: that of the minister by the known hatred of his master to him. The fact, as stated above, may be overcharged, but it contains a truth: that the ministers we appoint, are ordinarily objects of the strongest aversion to the nabob. When hatred subsists constantly between him and his first minister, it must disarrange Government, and produce the greatest disorders: there is but one way to get rid of these consequences; which is, to free the minister from all that responsibility which arises from considering him, treating him, and instructing him, as a British agent.

Nothing can be worse than this political Ja-

nus of a prime minister; with one face turned to the Council House at Bengal, and the other to the palace at Lucknow. It is an absurdity that disgraces and degrades all the immediate parties. The minister, who is known voluntarily to have come under two sets of engagements, frequently at the same time calling upon him for the most opposite conduct; and his master, whom he frequently holds in bondage: and the Indian Government is disgraced by the blundering construction of this awkward piece of machinery, which, though it attain part of its purpose, does a great deal of most unnecessary mischief by its irregular action, where it ought not to act. While it is certain that all wanted to be obtained may be obtained with great simplicity; without the use of any indirect engagements, and in a mode more honourable to all the parties. It is that the superior power, after due consideration, should signify its will on any point on which a difference of opinion should exist, to the protected state. To the former, the latter can with dignity stoop: there is a political subordination among states, which sometimes may call for overt acts to testify its existence, which ought not to be denominated political servitude: but if it be contended that the connection of the inferior with the superior power alluded to above, comes under the latter description, it

sinks not therein by far so low, as that degraded condition to which the Nabobs were depressed, in which their own servants were made their controlers.

The mode in which these difficulties were gotten rid of by the Marquis Wellesley, in the treaty of 1801, answers all these conditions of the best system, by which the political will of the greater state may be certainly impressed on the determination of the less. His own description of it shall be here given, with a very short comment. In his account of the definitive treaty of November 10th, 1801, he informs the Secret Committee, " that the Company's " Government has reserved the positive right " of interference in the internal management " of that part of the country retained by the " Nabob Vizier." He adds, " You may be as- " sured of my unremitting endeavour to exer- " cise this right to such an extent, as shall af- " ford every practicable degree of security for " the lives and property of the Vizier's remain- " ing subjects ; and shall preclude any disturb- " ance of the peace and order of our domi- " nions, from the vicinity of his Excellency's " administration."

But certain doubts having arisen as to the extent to which this interference should be carried, and its effect when the English minister and Nabob retained opposite opinions on

the same point, it was discussed personally between the Nabob and Governor General on February 24th, 1802; when the Nabob "engaged to advise with, and to act in conformity to, the council of the officers of the Honourable Company *." The memorial of this conference was reduced into a public instrument, for the explanation of the treaty of November 1801.

This mode of acting on the determinations and measures of the Government of Oude, certainly does not want either directness or simplicity. But it will be said to constitute an arbitrary power in the one Government over the other. The just subordination of one Government over the other is admitted: the chief of the inferior is, in the highest sense, the beneficiary of the superior; and the Government itself rests for support every hour upon its force. Withdraw it, and that state of anarchy, even now hardly suppressed by the terror of the English arms, would predominate in every part of it; and it would be desolated by the bloody and ferocious contests of its own, and hordes of foreign banditti, and of military adventurers; who, since the reduction of the great armies on the late peace in the East, are as numerous as the companies that desolated

* E. I. Papers, No. 5. p. 35.

France, after her fatal war with Edward III., and as easily induced to migration. How this aid shall be continued to it, how the remedy to its deplorable estate is to be applied, must rest in the determination of the protecting power, who alone must make all these exertions: in all that relates to these objects, the dispositions of that power must prevail: and what department of government can exist, the operations of which shall not, in its turn, have the strongest effect on these great objects? In the case as it actually is, nothing of limitation ought to be definitively fixed to the power of our interposition. Yet in practice it will be soon found, that the Nabob in his administration may mostly enjoy his full authority uninfluenced by British ascendency. For the measures and particular acts of Government are very numerous, in which the great objects above described are not concerned; or are connected with them by so fine, so weak a filament, as to escape a microscopic eye, and to be imperceptible to the finest touch.

There is one difficulty, which the opposers of the doctrine which maintains the necessity of the English Government determining all points in which it is in opposition to the Nabob, by its ultimate will, which, in almost every instance, probably will be guided by superior reason, will have to struggle with;

which we here state. There are a multitude of occasions, and of material consequence, on which the Nabob and the English Government will come to those contradictions of practical opinion, which admit no compromise. Each urges a measure which is contrary to that fixed by the other; and instant decision is necessary. There is no judge to whom to refer it. The superior will not join in an appeal to a third power, as an equal opponent to the dependent state: as by its act it must vest that third power with a temporary superiority over it. They have no judge on earth. States, independent on each other, are frequently involved in these circumstances; and they make what they call, but almost always abusively, an appeal to heaven—by war. But has the inferior state such an appeal? This is a proof there exists no possible means of preserving the connection of the states, but by establishing the ascendency of the greater in every case.

Although the point meant to be here supported is sufficiently established, there is one particular so connected with it, that it deserves a place here. The proximate origin of this engagement of the Nabob to act in conformity to the advice of the Company's ministers, is to be found in a proposition of the Nabob himself, which he enters into with particular interest; it is contained in a set of proposals delivered

by him to Lord Wellesley when he was at Lucknow; his words are as follows: "if the "resident is desirous of withholding me from "the prosecution of any particular measure; "let him state his sentiments to me in private: "in which case I will either prove to the resi- "dent the equity of the proceedings, or the "resident *will set me right;* and in the latter "event, I will in *conformity to his desire*, aban- "don such proposed measure, and no one will "be apprized of any disagreement subsisting "between us*." This clearly leads to and opens the way to treat on the condition above mentioned. He adds a voluntary engagement "to consult the resident upon every mea- "sure he proposes to adopt†." And is particularly earnest that that minister should propose every advice he has to give him, with the utmost privacy; making, "in the first instance, "no communication whatever upon such point "to any other person." Evidently with the wish that it should not be known, when his opinions had been over-ruled. For he adds, that thus "his authority will not be subvert- "ed‡." Without this prohibition of such communication of his advice to others, of all such it is the minister to whom the resident would address it: he therefore is first intended by it. What the Nabob here says, as far as it

* E. I. Papers, No. 5. p. 28. † Ibid. p. 27. ‡ Ibid.

goes, is in total coincidence with what has been above laid down, on the unnecessary degradation of his master, on the minister being sometimes made the depositary of the will of the superior state, and of the indignant sense he must entertain of it. I add here the proposition, with the proof of which the first preliminary dissertation concludes; that the relation of the government of the superior to the ruler of the inferior state, is that of guardian and ward, and none other; which will cover every thing which has been said, or which will hereafter be said in this defence of the Marquis Wellesley, from that misconstruction always endeavoured to be put, on whatever is urged in behalf of EFFECTIVE AND NECESSARY AUTHORITY.

Another great article of the treaty of 1801, is that, whereby the Nabob agreed to disband his army, a very small part only excepted: and instead thereof to assent to an augmentation of the English troops, to be stationed in his country; limited only by the discretion of the Company's government. To this his assent was reluctantly given. The expedience and justice of this requisition is now to be inquired into.

We have an account of the state of this army from the best authorities; for the retaining of which on foot, the Nabob expressed a pertinacity so determined on most occasions, although on some he displayed the utmost apprehension,

of what their treachery might attempt against his person. A summary shall be given of its condition and dispositions, abstracted from the public documents. With regard to equipments, " many of the battalions were not armed*:" as to " clothing, repairs of arms, and " the provision of new arms, nothing had been " expended for those purposes since the accession of the Nabob†." And when the invasion of Zemaun Shaw was expected, " there " was not a gun found in that part of his do- " minions, lying near those forts and passes of " the Ganges it was judged proper to guard, " which was fit for service‡." Such were the equipments of this army, and such its artillery.

From this the state of its discipline might be easily inferred: but here our reasoning shall proceed, not by inference, but direct evidence. In this respect, Lord Teignmouth declared himself " to have little opinion of their efficiency§:" while Mr. Johnson, twelve years assistant to the resident at Lucknow, which he considers not to have been a high official situation, above which he was not raised there, affirmed, that " these troops were as perfect as any Asi- " atic troops, in the management of which Eu-

* Sir James Craig, Minutes, p. 97.

† Col. Scot to Marquis Wellesley, E. I. Papers, No. 108.

‡ Sir James Craig, Minutes, p. 90.

§ Minutes, p. 18.

" ropeans were not concerned*." The accusers of Marquis Wellesley, and opponents of the reduction, will be entitled to the weight of this evidence, when defending the character of the Oude army. And they will not fail to make full use of it; nor is it to be expected that they will be so blind to their advantages, as not to push its consequences further by observing, that the testimony of an old inferior officer of the Company in the civil line, is not to be balanced by that of military men in the highest command, and consequently full of European military prejudices: of Sir Alured Clarke†, who was commander in chief in Bengal; or Sir James Henry Craig‡, to whom the defence of Oude was committed when the formidable invasion of Zemaun Shaw was expected; and under whose command the Oude troops, for a considerable period, were; who both, on their several examinations, declared them " undisciplined, irregular in almost every " respect, mutinous and licentious, and fre- " quently dangerous to the country."

All these defects, which rendered this half armed, half clothed rabble an incumbrance to the general defence of their country, and a formidable enemy only to its inhabitants, are lost sight of when our eyes are turned to the dark

* Minutes, p. 35. † Ibid. p. 44. ‡ Ibid. 97.

and insidious spirit of treachery which actuated that general mass. It is thus Sir Alured Clarke, commander in chief in Bengal, wrote to the Nabob on this most important of subjects in 1799: "The conduct of your troops employed "to assist in seizing the person of the rebel and "assassin Vizier Ali, must have satisfied you, "that the blackest treachery toward your per- "son and government is at all times to be ap- "prehended from them*." And when our army was obliged to march to defend the Nabob's country from a formidable invasion, necessity required the detaching of a part of that force to Lucknow itself, to protect his person "against the evil intention of his own guards, "in the center of his own capital†."

These were times when the view, or a part of the view of the state of his army seem to have made some impression on the Nabob himself. When Lord Wellesley first laid before Sir Alured Clarke his wish to effect a reduction of these troops, at that time that general affirmed, "that the Nabob did not at all like "to depend on the troops he then possessed.‡" At other times he seemed even more fully penetrated with the sense of the danger arising

* E. I. Papers, p. 8.

† Declaration of Marquis Wellesley, 1801. E. I. Papers, No. 5. p. 6.

‡ Minutes, p. 40.

from them: and General Sir J. Craig has given it in evidence, that in the year 1800, the Nabob considered this army as inimical both to his person and government. Yet on most occasions, especially when a reduction was pressed upon him by the British Government, he certainly acted as if all the apprehensions he had before expressed were entirely obliterated in his mind.

Nothing but the total reduction of an army so defective in every point of its formation and constitution, so entirely corrupted in every principle, can prevent the otherwise inevitable destruction it must bring upon the state: nothing but the most melancholy frustration of every hope must follow the attempt to reform it. Its whole mass of materials being entirely corrupted, no change of their combination, or remodelling the form of it, can produce any good effect. The sketch of the new plan may look and be more scientific, more like to answer every military purpose; still the new order must consist of bodies of the same men, however divided, to be recombined in an apparently better manner: and the individuals of which they will be still formed, being corrupted by long indiscipline, and the worst of habits, every corps of the reformed army, composed exclusively of those individuals, must, in its very initial elements, be corrupt also.

It is at an enormous expence that the afflicted province is compelled to purchase this evil: the general evidence of this might be sufficiently shown by an argument entirely abstract. But it will make a more perfect impression, if it be shown more particularly, although we be obliged to adopt some numbers not resting on the best evidence. Let the Nabob's standing force have been, as it is stated in a certain very singular parliamentary paper, 13,000 horse and 30,000 foot: an invasion takes place: let the fact be, that even if they were attached to their sovereign and their country, a large auxiliary force would on that occasion be wanted for its defence; but that such a spirit of revolt and treachery pervades this army of 43,000 men, that the General of the auxiliaries declares, "that they would no more leave a body of "these troops behind them, than a fortified "place in an enemy's country*:" and let there be required 4000 men as a corps of observation that these troops do not fall upon their allies. Suppose also, in addition to this, that another body of 1000 men must of necessity be stationed in the capital, to protect the life of the Nabob, daily threatened by the garrison. Here we have a body of 43,000 native troops, and 5000 auxiliaries, the latter employed in

* Minutes, *incert. loc.* and Letter of Gen. Sir. J. Craig to Marquis Wellesley, October 13, 1798.

watching the former solely, not a man of whom can be made use of against the common enemy. Against him an army of auxiliaries must be provided to act alone; and as the auxiliaries are in quality four or five times on the average superior to the troops of the country, the pay of a body of the former must, it is presumed, be double that of a force consisting of an equal number of the latter. Thus the unhappy and exhausted country must have to defray the expences of its non-effective, or what may be called its neuteralised force, equal to the maintenance of 53,000 of its own troops, beside the full establishment of the auxiliary army, equal to the defence of the country against the attack of the enemy, or to support nearly a double military establishment. With such an army, when a foreign enemy meditated an attack upon Oude, these augmented preparations were of necessity made, and these double charges incurred. And when the Company is engaged in war in the provinces remote from Oude, little or no aid can be drawn from the troops stationed on our own frontiers bordering thereon. By their situation they much aid the English troops immediately stationed in that turbulent country; but diminish their numbers considerably, which otherwise might with safety be done, and the danger of mutiny and rebellion among the Nabob's forces increases; and in

such a country, *ubi nihil solidum nisi quod externum*, having no strength but what it borrows from the foreign protecting state; the number of auxiliaries it must pay for in peace, must be great enough to protect Government, and overawe the mutinous army; that is, it will defray the charges of nearly a double peace establishment also.

It were to be wished a correct arithmetical estimate could be here given, of the former total charge to the Nabob for the maintenance of his own troops, and the pay of the English auxiliaries. The latter consisted of two parts: the fixed subsidy; and the annual exceedings for divers purposes, as extraordinary aids, &c. Some approaches may however be made to such an estimate, which may deserve a place here, giving, although not a perfect, still not an useless view of the subject.

At the death of Asoph ul Dowlah, this subsidy amounted to 55½ lacks; but on the accession of Saadut Ali, in the year 1798, a treaty was entered into by him, in which the Company stipulating constantly to keep up in this country a body of troops ordinarily to consist of 10,000 men, a force supposed to be capable of protecting it against all attacks of an ordinary danger; he agreed to increase the subsidy to £760,000 a year*, but in case he should

* Minutes, p. 10.

be menaced with hostilities more formidable, which should require an additional force for his protection, exceeding 3000 men, the charge of the reinforcement was to become an increase to the subsidy as long as it was employed. One object of the English Government was certainly to enable him to make a reduction of his irregular army, so large, that he would thereby have saved more than the augment of the subsidy: an object which might have been obtained with facility. Of what he had to pay for extraordinary aids, in addition to the fixed subsidy of 76 lacks, no notices have occurred to me in the papers; he was involved, however, at different times, in almost every variety of necessity to call such a force in. The expulsion of an usurper; a defence against the expected very formidable invasion of Zemaun Shaw; and the dark treasonable conspiracies of his own troops against his person. The mean annual expences for extraordinary aids which he has received since his being seated on the musnud, cannot be assigned: but it must be observed, that while the fixed subsidy of Asoph ul Dowlah was 50 lacks, Lord Cornwallis stated, that the extraordinaries on an average of the nine years preceding 1787, amounted annually to 34 lacks*. Nor did his calls for occasional aids equal those of

* Lord Teignmouth, Minutes, p. 10.

his younger brother and successor. In the year 1797 the charge of the Motayene, or the troops stationed in the different districts, was £ 965,920 *: this was the main and nearly entire body of the army; but certainly there were some small corps of troops on foot, not falling under this description. And the taking of that sum as nearly sufficient for its entire pay, is supported by the statement of the Nabob's revenue, drawn up in 1793, by G. Johnson, Esq. and laid before Lord Cornwallis, in which it is made to amount to £880,000 †: and from the secrecy preserved by the Indian Governments, and the mode in which his whole account was drawn up, he admits there may be some errors in it, but not extending to 10 per cent.‡

The charge of the Nabob's army having therefore been £ 965,920, and of the subsidy £760,000, the whole amounted to £ 1,725,920, exclusive of the average annual extraordinaries, which must have been great.

Here it might be shown, that the Nabob having effectively been exonerated of this whole expence by the treaty of 1801, by which he ceded a part of his territories and the revenues thereof to the Company, is, upon the balance, a great gainer; the income he derived from

* Lord Teignmouth, Min. p. 9. † Ib. p. 35. ‡ Ib. p. 29.

those countries being greatly less than the above sum of 172½ lacks of rupees; but we must not anticipate here what will find a proper place only, when the important subject of that cession of territory shall come to be considered.

But I go on with proofs of another and a higher kind of the necessity of reduction. When a nation is sunk to the utmost depression of semi-barbarism, where murder, and the violation of property are become so frequent as to be little regarded, and of course a great part of the population are become a banditti, swarming over the face of the whole country; the first steps to the restoration of any thing like civil government, must be vigorously supported by an armed force—thus must the gangs everywhere traversing the country, be broken and dispersed; and their recollecting in numbers instantly hindered; such of them as do not fly will be confined again to fixed residence; where they must either perish for want, or have recourse to labour for subsistence. Of this class there is some hope that their predatory manners will be changed, when the stimulus of absolute want is thus removed.

Here we clearly discern the necessity of an army to begin the restoration of law and order in such a society: and to guard its progress until the reformation has taken a due and solid consistence. The operation must of ne-

cessity at the beginning be summary: but while it is said that it requires all the promptness of military obedience, I also add, that it requires the whole moderation of regularity and discipline. The reform is of the first necessity in the Nabob's dominions. The treaty stipulates for it as a most essential condition. His late army was the most unfit for this important duty: a force therefore so qualified was of necessity to be provided; and that undisciplined infamous rabble, called an army, was very properly reduced to make room for it.

But this unfitness we have no occasion to leave on this general evidence of character. Detachments of the army were assigned to the aumils (or farmers general), to assist them in the collection of the revenues of their districts. And they readily suffered themselves "to be "employed by them for the purposes of op- "pression, and of resisting the authority of "government*." and by them "these officers "rendered the provincial courts subject to "their authority and controul†." The truth of this the Nabob himself confirms, in a memorial to the Governor General in February 1802: when referring to the subject of these powerful delinquents, he adds; "let the Company's offi-

* E. I. Papers, No. 5. p. 25. Marquis Wellesley's Propositions to Nabob for Improvement of Administration.

† Idem, ibid.

" cers assist me in inforcing obedience to them, " (the regular tribunals)*."

The greater part of a body of dissolute, licentious, undisciplined troops, who have so long subsisted without labour, as to have lost the habit of it; if the whole be suddenly disbanded, will have nothing to betake themselves to for an honest subsistence. And if the country abounds with bodies of men living by violence and plunder, a large proportion of such a disbanded soldiery will join these gangs of robbers already formed; while others will form themselves into new ones. This undoubtedly has been already the course followed by many of the reduced troops of the Nabob: a bad consequence arising from the reduction, and the only one which seems discernible; but indefinitely overbalanced by the many excellent effects which must result from the measure. But it will render the provincial banditti more numerous, and more difficult to subdue: this was easily to be foreseen, and to be provided against by a due augmentation of the English auxiliaries, who must clear the country of them, before law, justice, or police can be introduced. This rendered it of the highest necessity to the Marquis Wellesley to make a considerable addition to our troops in the country

* E. I. Papers, p. 28.

previous to that reduction and reform; a reason which has been glanced at in a cursory manner before.—

To the arguments given above, the weight of some of the most respectable authorities shall be here added. They are numerous, but so direct, that there is one only which will call for any discussion. In 1787, Lord Cornwallis, in his propositions to the Nabob by a letter (since, by the accession of the latter, become an authentic supplement to former treaties), "recommends to him to discharge so much "of his own army, as will allow for the addi- "tional expence attending the continuance of "these EFFECTIVE troops*." Those of the Nabob he had all along treated as absolutely non-effective. Taking the charge of the native army at £965,920, as it has been constantly hitherto done on the grounds laid down, this first recommendation was to reduce his army by one half: the opinions transmitted to India from home shall now be produced. In a letter of the Secret Committee of Directors, dated May 15, 1799, the Governor General is thus instructed on the subject: "the large, useless, "and expensive establishment within the Oude "dominions, appear to us to be one of the "principal objects of economical reform;

* E. I. Papers No. 6. p. 4.

" and we have much satisfaction in finding " that the subject has already come under " your consideration*." Such were the sentiments conveyed by the Court of Directors on repeated occasions to the Supreme Council of Bengal†. " The Company recommended that " the armed rabble, called his army, should be " removed as soon as possible‡;" and " the " records of the government of Bengal will be " found to abound with ineffectual remon- " strances made to the Nabob upon that sub- " ject§." Admit, therefore, for the present, that the measures pursued by the Marquis Wellesley for the reduction of the army, were vigorous. (Their character will hereafter come to be fully described.) The following abstract, and the following particular authorities, are enough to demonstrate that the extreme of justifiable vigour (the relation between the protecting and protected power considered) not only admits defence, but that it was an imperative duty to exert it on the part of the Governor General. It has been shown that the resolution for eduction of the army was not solely formed on its inutility, but the danger of its existence to the state; on the enormous expence of its continuance; and on the gain to

* Parag. 40. p. 30. No. 1. † W. Cowper, Esq. Min. p. 46.
‡ Id. Ibid. p. 48. § Id. Ibid. p. 49.

the revenues of the country by changing it for an addition to the auxiliary force; so that the whole of that force should be equal to the defence of the country.

The necessity of entirely disbanding the country troops existing in 1801, is likewise shown on another and most important ground. From the necessity of the suppression of anarchy, the creation of a police, and of the introduction of administration of laws in the province of Oude. It is demonstrated nothing of this is feasible without the possession of an army high in discipline, obedience, and regularity. But that the old army was so corrupt, as to be always glad of a pretence to resist government. And that it was the machine employed by ambitious great men, who perpetually trampled under foot the law, and the Nabob, in whose name they were administered; and rendered its feeble tribunals nullities; or rather instruments to accumulate oppressions invested with legal forms, on oppressions which did not possess them. And if we come to special authorities the opinion of a Governor General, Lord Cornwallis, has been produced on the necessity of a reduction; between whose maxims for the government of India, and those of the Marquis Wellesley, a certain want of analogy is always supposed to have subsisted: and to this has been added testimonies of the sentiments of the Directors

at large; and of their Secret Committee; and the declarations for a long series of years, of the Government of Bengal recorded in their proceedings; upon whose eye all the evils arising from the army formerly existing, and the additions the continuance of it must bring after it, perpetually and necessarily forced themselves. From this accumulated mass of evidence it follows, that it was the duty of the protecting power, to employ an authority vigorous in the highest moral degree, but not passing its boundary, to annihilate such an army; and it will be proved, that none other was employed by Marquis Wellesley. The Nabob is raised to his dignity by our power alone; it is the sole support of the continuance of his government: for withdraw it and it instantly falls. It has been shown that it is the duty of the India Company to see, that the people suffer no grevious oppression from the ruler constituted over them by their act; nor can they demit the power over such ruler, by which this protection may be at all times extended to the people. Their first of duties in the situation they have voluntarily placed themselves, is to take care, *ne quid detrimenti populus accipiat* By that act they are become the guardians of the ruler; but by the same act they have imposed upon themselves all the duties of guardians of the people.—

This defence of the reduction is to be considered as being here finished, but the history of the argument from authority will want an article belonging to it, which has its curiosity, if we do not give place to it here. Among the leading authorities for the reduction, we might have reckoned that of the Nabob himself, and the appeal to it would seem well founded. I give an abstract of what he says in his letter to the Governor General in October 1799*: "the "benefits both immediate and future of such "reform, are even more strongly impressed on "my mind than they are described by your "Lordship. Accordingly a year ago, I of my "own accord planned in my own mind, a re-"form of this system, and was the first to pro-"pose it." And such, there is abundant testimony, was, at a certain period, his real wish: yet it was but transitory; and in the intervals he always returned to an opposition to it, sometimes latent, at others declared not without openness. This variation of the Nabob's declarations and actions carries with it a considerable appearance of singularity. Those who should advance an opinion, that at each period he was sincere in the expression of his wishes, and equally so, would not probably want tenable ground to defend their sentiments upon.

* E. I. Papers, No. 3. p. 22.

In times when the danger of the disaffection of the troops menaced his life, his liberty, his possession of the Musnud, his fears overbalanced every consideration. But when, by the protection of the British, the immediate danger and the probable early recurrence of it seemed removed; he considered their continuing embodied in a very different point of view, and his *avarice* strongly pleaded for it. The annual charge of the Motayene, taken as the body of the army, has all along been stated at £ 965,920; a sum divided among the different branches of the service: a certain amount being yearly allotted to the expences of recruiting, clothing, and the repair and purchase of arms, as well as for the maintenance of the men. Now we have shown before, on the best authorities, that the Nabob suffered many battalions to remain absolutely without arms: nor were any new arms bought; and on the article of clothing itself, and the repairs of arms, nothing had been expended since the accession of the Nabob. The whole sum, therefore, allotted to these branches of the military service, at the end of the year, remained as a surplus in the public coffers. This saving, the effect of this species of economy, it must be strongly conjectured that he held as his own, and augmented his private treasures by it. Beside, the army never being recruited, must diminish very considerably

every year, or the non-effectives increase; the amount of their pay, if actually mustered, was absorbed in the same gulph. And the privy purse, as has been observed before, daily robbed the exchequer. Thus he became tempted to continue what he knew to be a dangerous body of men, who caused a ruinous charge upon the state, although he must have had many partakers in this rich plunder: and he opposed the reform of the troops, to continue the great gains he made by this species of public peculation.

The present state of society in Oude, the laws, their administration, what imperatively calls for reform in each, and how far the means of establishing this reformation effectively were forwarded by the treaty of 1801, will be the subject of this division of my defence of the Marquis Wellesley's transactions: herein will be shown the decision and wisdom of the plan he long laboured with assiduity to establish, and what he alone was able to effect. And it may with some confidence be expected, that every one who feels a due and benevolent care in the fate of a state, to whom, by appointing its ruler, and thereby assuming to be among its guardians and protectors, every one who is impressed with the conviction of obligations of justice and of moral honour, by our own act thus brought upon ourselves, will regard every

thing with regret in which the part of the plan adopted in the treaty, falls short of the great and bold original idea; which holds forth the only practicable means by which this great and most necessary reformation could have been effected; and yet value what is secured in it, as holding forth the best expectation then attainable at some future period, to acquire all we were now obliged to relinquish.

The miseries with which Oude is at present depressed, commenced at the death of Sujah ul Dowlah. He supported his situation "with "dignity and splendor;" and left to his son Asoph ul Dowlah "a full treasury, disciplined "troops, a regulated revenue, and submissive "subjects *."

But the profusion of the son knew no limits: his expences in the "excess of menial attend-"ants; in the number of his elephants, ca-"mels, horses; the gaudiness of his equipage," his frivolous dissipation, and unlimited expenditure †, exhausted very soon the treasures of his father, and had involved him, in 1793 ‡, "in a debt exceeding a crore and a half of ru-"pees; bearing the usurious interest of 40 "lacks." This is on the authority of Lord Cornwallis, who asserts, in his letter to him,

* Lord Cornwallis to Asoph ul Dowlah, 1793. E. I. Papers, No. 2. p. 17.

† Ibid. p. 17.

‡ Ibid. p. 16.

that " no part of this accumulation of debt " can be attributed to the interference of the " English *."

A government in deep distress, especially if the administration continue in the hands of the authors of its misfortunes, always acts feebly and oppressively. The great soon discover that feebleness, and find that its authority may be eluded or defied; but its oppression falls with redoubled weight on the middle and productive classes; and the desolation of the country follows it. But the sad effects of this Nabob's wild misrule did not delay so long as the year 1793 to demonstrate themselves: in 1787 Lord Cornwallis, writing to the Directors, informs them of his concern during his short residence in his capital, and his progress through the Nabob's dominions, " to be witness of the " disordered state of his government, and *the* " *desolated appearance* of the country: the evils, he adds, " were too alarming to admit pallia- " tion †." From that time till his return to England his Lordship took every opportunity, in his letters to the Nabob, to prevail on him to put a stop to the progressive ruin of his territory. They show his sense of the extent it had already attained, but expressed in a manner which has its singularity. To have laid

* E. I. Papers, No. 2. p. 16. † Ibid. p. 4.

before the Nabob any particular act of oppression, although of the grossest kind, or to enumerate the calamities any where following it, he expressly forbears: to censure in particular any one act of that government, he thought to amount to that interference therewith from which he had precluded himself by treaty*. He therefore contrives, in general terms, to convey to the Nabob his fixed belief of the iniquity of his government, and the misery of his people. This conclusion he meant to be drawn by him, when on this occasion the Marquis thus expresses himself to him: "Your Excel-" lency knows that the prayers of the oppres-" sed are attended to by the Almighty, and " often call down his vengeance upon their op-" pressors." "History confirms the obser-" vation by exhibiting innumerable monarchies " overturned, and *families effaced from the earth*, " *by a violation of justice in the sovereign, or* " *neglect in him to enforce its laws* *." Citations of this kind, and on the same authority, might be multiplied. But such denunciations could originate only from his Lordship's deep sense of the existence of the greatest public misery arising from one of the worst of governments. Yet in the beginning of 1786, Sir

* E. I. Papers, p. 13.

James Macpherson had informed the Directors, that "the spirit of cultivation, industry, and "commerce, begun to prevail in the Vizier's "dominions*:" the effects of the administration of Surajah ul Dowlah were not yet destroyed, at least in every part of the country. In their answer they inform him that they were then expecting the first dispatches of Lord Cornwallis on the state of Oude: these destroyed every expectation which might have been raised by the former. The calamities of the country went on increasing, during the twenty years of Asoph ul Dowlah's administration. But on the accession of his brother, Saadut Ali, their progress was accelerated: and when, in 1799, Colonel Scot declared to him "that "in his own short residence at Lucknow, they "had grown to a magnitude beyond any former period," the answer of the Nabob contains an admission of it*.—

These are only statements of the oppression of the country, and its consequent decline, in the abstract. But the information we now are possessed of, contains some circumstances from which the degree and universality of this decline may be conceived, with something more of distinctness: and some circumstances which will place certain parts of it, in their own shape and colour, before us.—

* E. I. Papers, No. 2. p. 3. † Ibid. No. 3. p. 64.

The revenues of Oude arise chiefly from the productions of the earth received in kind, from the Cerf or Ryot. They are proportional to the annual product: for the Ryot has no protection, legal, or of any other kind, from the oppression of the lower order of farmers of the revenue, the Zemindars: and under a feeble government, in the times of the greatest oppression, the proportion of the collection to the whole product will be the greatest. It has been before seen that the revenues of Bareilly, Rehen, Gorruckpore, and the whole of the Rohilcund, had, in a very few years fallen to less than one half of their former amount*, and although it is not meant to apply this proportion to those of the whole country of Oude, "yet "every new settlement with new aumils was "concluded for a diminished Jumma†:" a proof of the decline of the product of the whole country rapid and universal.—

We come now to give some of the particular instances of oppression, of violence, and of crimes, which have involved this country in calamity almost unexampled. And the first instance shall be the mode of collecting the revenue itself. In this branch of administration, Marquis Cornwallis, in his letter to the Nabob

* For particulars, see Defence, p. 8.

† Col. Scot's Letter to the Nabob, November 1800. E. I. Papers, No. 3. p. 143.

in 1793, when he was about quitting the government, affirms to him, that "the disorders "exceed all bounds and all description." The revenues are collected "without sy- "stem and by force of arms; that the aumils "are left to plunder uncontrolled." (It is to be observed, that each of them proceeds to his collection at the head of a body of troops, called his Tynaut.) "And that the Ryots have no "security from oppression, nor means of re- "dress from injustice*." The Aumil even "exercises the power of inflicting death with- "out the concurrence of the Nabob†." and in a memorial to the Vizier in March 1801, Colonel Scot stated to him that he had been informed by the British officer stationed at Gobramow, that "the Aumil, endeavouring "to seize a number of Zemindars, *they had* "*fled with their families and the inhabitants of* "*their villages; which the Aumil proposed to set* "*in flames*‡." This act of violence was to have been executed within six miles of the metropolis: and he asks of the Nabob, "if such violent "measures for extorting revenue are practised "under the walls of your Excellency's palace, "how great must be the oppression at a dis-

* E. I. Papers, No. 2. p. 19.

† Marquis Cornwallis, E. I. Papers, No. 2. p. 21.

‡ E. I. Papers, No. 3. p. 166.

" tance*?" Among the causes of involving the country in poverty, and diminishing the public revenue, operating at the begining of its decline, must be numbered also two of purely British origin; and while they continued to act, producing the worst effects: the privilege of preemption, granted to those who contracted with the Government of Bengal, to supply the part of the Company's yearly investment, furnished by the provinces of Oude: and the order of that government that they should pass out of the territory without paying the customary taxes. Iniquitous abuses of power, of which an account has been before given, which however, have been already remedied these twenty years †.—

But society may be rendered miserable, by the prevalence of great crimes, without the oppression of a bad government: or, to speak more properly, during the whole interval before they shall have generated such a government. And this devoted country has been suffering every thing which the unrestrained prevalence of violence and rapine can add to the fiscal oppressions described.—

It is a miserable picture, which is now to be given: but it is that of the first importance on the whole of this subject. Some

* E. I. Papers No. 3. p. 166.

† Defence, p. 15, 16.

testimonies indeed we have against the general tenor of the evidence of the first authorities on this head: they shall be fairly produced, but they must be compared with other parts of the depositions of the same persons: for it is only what they shall retain of weight, after this process, which can be flung into the balance against the authorities to the contrary; of which we can give only a few of the most striking.—

Colonel Scot, writing in May 1801, states to Marquis Wellesley "the total impunity with "which murders and robberies were then fre-"quently committed; and, if noticed, gene-"rally punished with a short imprisonment, "or a slight fine only*." And W. Cowper, Esq., a member of the Supreme Council, in his evidence declares, that "it was impossible "to conceive a state of greater anarchy and "misrule than prevailed in Oude, as far back "as he could recollect†." Of his ability for observation, at least, the esteem in which he was held by Marquis Wellesley will be admitted by every one as a proof.—

And here shall be noticed those testimonies which apparently contradict these accounts; as they are like them in general terms only, and do not refer to particular facts. Mr. G. John-

* E. I. Papers, No. 3. p. 207. † Minutes, p. 46.

son, a member of the House, declared " his de-
" sire to give the *most decided testimony*, that
" murders and robberies were not more fre-
" quent in Oude, than in any other Mahometan
" government throughout India *." But he afterwards admitted that he " never was in any " other Mahometan government beside that of " Oude†." Therefore his knowledge of the police of those countries must be from the report of others, or hearsay. The declaration therefore stands on the evidence only of Mr. Johnson's foundation of belief; the credit of certain persons unnamed, unknown to Parliament, whose very existence was not even hinted at, or referred to by him on his examination. A real decided belief so obtained, is not evidence: it is Mr. Johnson's judgment on evidence known to himself alone. It may be added here, that it is on such evidence and such only, that he could declare " that the troops of Oude were as perfect " as any Asiatic troops, in the management of " which Europeans were not concerned ‡."

Major Ousley, aid de camp to the Nabob, contends, that the police of Lucknow " was better " than that of the country round it §." The accusers of the Marquis Wellesley, who must maintain that the police of Oude is such as to

* Minutes, p. 74.
† Ibid. p. 74.
‡ See Defence, p. 30.
§ Minutes, p. 67.

call for no strong or new measures to reform it, will not make much of this evidence: it only shows that it is consderably better in the metropolis than in the distant parts of the country. But on the evidence of Major Ousely, the defenders of the Noble Marquis may very well join issue with them, and say, And is not the reign of murder and violence established in the very walls of Lucknow itself? On that point let us first hear Major Ousley; he immediately subjoins, to what is last cited, an admission how great the uncorrected evils of the police of that city were. In proof of this he relates, "that in going out to hunt one morning, within five hundred yards of the British resident's house, the dogs seemed to trail upon something; and we found a man just murdered, cut down not ten minutes, I suppose, and still warm.——Instances of this kind are very common indeed*."

But of the strength, the organization, the audacity, the union of the banditti of the city of Lucknow, and of the country round it, the following example furnishes a full proof. It is contained in the evidence of W. Cowper, Esq.; a place can be given only to an abridged abstract of it. A party of 400 in number had one evening the audacity to march through the city without any apprehension of the police, with lights,

* Minutes, p. 68.

flambeaus and ladders, to attack the house of a banker. In order to prevent any intelligence being given until their purpose was finally effected, when they arrived near the spot, they left persons lining the streets, who murdered or cut down every individual attempting to pass them. The intelligence was brought to a party of English gentlemen, among whom was Mr. Cowper, and at a house within fifty yards of the banker's: they took with them the resident's guard, and hastened to the spot where this tragedy was acted. As they approached the house, they found the whole street strewed with bodies which had been cut down; and when they entered it, they found it had been completely plundered, and a very large sum of money carried off. The robbers retired without opposition by the officers appointed to guard the city *. Here we see that there are regularly organized bodies of banditti in the very vicinity of the capital, who enter it in armed troops, and, joined probably by their associates within the walls, attack the houses of the rich; spread slaughter in the public streets, to prevent interruption, and carry off their plunder unopposed. And Mr. Cowper, before he gave this account, had declared in evidence, that the number was very great, of the acts of cruelty within his knowledge committed in Lucknow †.

* Minutes, p. 51. † Ibid.

After this the crime of simple robbery, and its frequency among the absolute banditti, needs not at all to be insisted on: but a more alarming symptom in the state of society, the practice of this crime among the upper class, the Zemindars, and the mode thereof, claims some notice. In Sept. 1803, the Rajah Chutter Saul, and his nephew Sing, at the head of four or five thousand men, and with two guns, plundered an indigo manufactory, and murdered the person in charge of it. And a few days after they broke open and emptied a salt magazine, the property of the Company; and sent the contents to their fort at Tilleah in carts, in the middle of the day *. And the Zemindars exercise their depredations perpetually throughout the whole country, on merchandise and commodities passing through their little territories. Travellers, indigo merchants, traders, they practise every imposition upon. A pass from the immediate superior of a Rajah, will not protect the commodities of the merchant from "being stopped, "carried to his fort, and what duties that plun- "derer pleases levied upon them."—"Proper- "ty is stopped in its transit at every place, al- "most by every Zemindar; and the longest "sword decides whether it is to submit to his

* Letter of J. Riley, judge, to Gen. Lake, Supplem. No. 2. to No. 3. See also Minutes, p. 38.

" exactions; and goods of all kinds carrying " from one place to another, are the subject of " constant fighting *."

We have one crime more to mention, less singular, perhaps, but when great classes of society are become of the characters described above, almost absolutely deleterious. When a considerable number of the upper ranks retain energy, virtue, and honesty, much may be hoped from them in the most threatening crisis of a nation. It possesses a set of men qualified to govern, and whom terror and necessity may then elevate to that office. But the entire upper class in Oude are become totally corrupt: every one is fully possessed with the spirit of avarice, and totally given up to peculation and extortion. This charge is advanced against the whole class, in the letter of the resident at Lucknow to the Governor General in council, written in June 1798: " The vices of the ad- " ministration" he observes " will descend to " all the departments of the state: so that at " Lucknow, it is next to impossible to find an " individual with whom to entrust the charge " of a district" (that is as a farmer general), " or " of principles of integrity strong enough to " deter him from the practice of extortion †."

* Major Ousley, Minutes, p. 67.

† E. I. Papers, No. 2. p. 40.

From this scene of public and private misery, of violence and fraud, multitudes of the inhabitants yearly withdraw themselves by emigration; and large tracts of land are now left uncultivated.—

Mankind are either retained in social order, or recalled to it when they have deviated from it by principles or by laws: it would be in vain to profess to inquire here how far the country of Oude might expect, from public principle, from a vigorous execution of its laws, and a recurrence to its best constitutions, to remedy a part of its evils. To propose it as a question, after what has been above shown, would be a mockery. That country possesses neither force to effect that reform so necessary to its security; nor, if it had, would there be found in it individuals of a character that would, from principle, aid in its promotion. It cannot reform itself, or aid much in the beginning of its own reformation: these are among its evils, and its capital evils: some of them are the causes, others the effects of the calamities of the country.—

Our attention must now be directed to the state of the laws in Oude, and their administration. One great object of law is, the security of property: landed property being of the greatest consequence, the laws relating thereto are first brought into some tolerably fixed and ascertained state. In Oude " the rights of property

" of every description of landholders, which " should form the basis of adjudication of all " disputed tenures, in the year 1801, had nei- " ther definition or description annexed to " them*." It is indeed, but a branch, altho' a capital branch, of the laws which is here spoken of. But in that province, law and its administration were become merely names. So early as his first arrival in India, Lord Cornwallis, in a letter to the Court of Directors, informs them, " that he had had the most unfavourable " representations of the state of the courts of " justice in the country of Oude†." This censure is feeble indeed, to what his details, when he had further examined into the subject, would have borne out: yet at that early period the reform of the laws and their administration was one of his two first great objects‡. But the evidence of Lord Teignmouth gives a picture of the judicial administration evidently drawn with more attention to particulars, yet with a certain temperate reserve adding to its weight. " There was, I think, in other Maho- " metan countries a regularly, decently con- " ducted court of justice; in those, attention " is paid to it, in Oude, there was no justice " at all§." He adds to this, " Justice was at

* E. I. Papers, No. 5. p. 26. † E. I. Papers, No. 2. p. 3.
‡ Ibid. § Lord Teignmouth, Minute, No. 1. p. 22.

" the arbitrary discretion of the officer employ-
" ed by the Nabob*."

The consideration of these words will clear up a seeming contradiction in the evidence of different persons on the subject of courts of justice in Oude. Some deny the existence of such courts: probably arguing, that to form a court, there must be a judge legally constituted, delivering his opinion in all cases according to known laws; and these circumstances are necessary to courts of real justice, or to real courts of justice; which are convertible phrases. And to have expressed themselves with more restraint, they might have been contented with denying the existence of real courts of justice. The place, perhaps, of the assembling of these officers of the Nabob, to pronounce on cases brought before them, their attendants, their passing sentence, might determine some others in their evidence to continue the name of courts to their meetings: they had done better to have called them nominal courts. But where the existence of courts of justice in Oude is denied in the evidence, it is to be understood of real courts, as above described: where it is admitted, nominal courts only are meant; and the evidence of both parties is thus reconciled. In the abuse of their power, the Aumils have

* Lord Teignmouth, Minutes, No. 1. p. 22.

" merited the severest punishments; yet for " many years, not one has suffered for misde- " meanors*." It is Lord Cornwallis who so acutely felt the evils they had brought upon the state; whose condemnation of them is the most severe; and when severity came from him, its justice is held to be of the first degree.

A circumstance singular, in the history of civil society, exhibited in the country of Oude, and among its greater evils now comes to be mentioned: the different districts of the Aumils, into which that country was divided, were subject to an absolute periodical anarchy; although the intervals of the periods were unequal. The tynaut and all the dependent officers of the Aumil, Lord Cornwallis informs us " consider themselves as removeable on his " dismission."—" Hence, at the death or de- " parture of an Aumil, the country is left with- " out government or controul for a time, until " his successor can arrive and establish his " authority†." Finally, Mr. Cowper affirms, that there exists in Oude " a total want of any " court of justice‡:" this may be very well understood to be the same as the total want of any court of common law here. Strong as the asser-

* E. I. Papers, No. 2. p. 16. † Idem, Ibid. p. 19.
‡ Minutes, p. 53. W. Cowper, Esq.

tion is, there is a proof comes up to it. The Mahometans have consecrated their common law, and the decision of its courts; by the belief that all its principles and maxims, and many of its decisions on particular points, are contained in the Koran; and that no other principles can be appealed to as of authority. But in Oude there were no courts existing to inforce it, so early as the treaty of 1801. For in 1802, the Nabob negociating in writing with Marquis Wellesley on certain matters explanatory of the treaty, advances as a proposition of his own, "that regular tribunals shall be esta- "blished for the sole purpose of giving effect "to the Mahometan law; and of fulfilling just "claims, and of securing the lives and proper- "ties of the people." But so much did he fear opposition to this innovation, that he annexes as a requisition to this explanatory article, "let "the Company assist me in inforcing obedi- "ence to them* (the tribunals)." And G. Johnson, Esq. stating, "that in Oude judicial pow- "er there is none;" goes as far as any testimony adduced above: what he adds afterwards, which he is known to have believed on the authority of others, we cannot stop to remark upon. His evidence we divide into two parts: to that which he gives founded on his own

* E. I. Papers, No. 5. p. 28. Paper of Nabob Vizier.

observations, a weight is to be allowed much superior to that which rests, as to us, on the accuracy of persons unknown and unnamed.

But Major Ousely has informed us of the existence of a supreme magistrate in the metropolis, whose powers resemble those of the mayors here. This presiding officer is called the Cutwal. He also informs us, that the police of Lucknow was better than that of the country round it; and that the Nabob has paid great attention to it, yet with little effect; "although he has "changed his Cutwal constantly, fined some "and confined others*." It follows from this, that proper persons for the judicial functions, are not to be found at Lucknow; or that the caprices of the Nabob will not suffer such a one to remain in office, long enough to effect any good purpose; or that his judgment in such appointments is bad to a very unfortunate degree, or that something of all the three causes may be true.—

We come now to the actual punishment inflicted on crimes. Little pursuit is made after criminals, and that they mostly escape with impunity†. When brought before these nominal tribunals, the culprit frequently avoids even a sentence, by the protection of powerful patrons, who overawed and retained these

* Minutes, p. 67. † E. I. Papers, No. 3 p. 207. Col. Scot.

courts themselves in subjection*; and sentences for the worst of crimes seldom exceeded a short imprisonment, or a small fine†. During a residence of twelve years, Mr. Johnson affirmed, "that he could hardly tax his "memory with any execution whatever; such "is the great tenderness of blood that prevails "in that country‡." The conclusion to be drawn from this melancholy picture of the disorders and miseries of Oude, shall be in the very terms of the Nabob himself: "Government "is become in the last degree ineffective; and "its whole frame loose." Its final dissolution seems daily approaching.—

The danger of the government, and the misery of the governed, render the immediate establishment of a system of laws, one part of it vigorous, and suited to the *present* state of the country; temporary, and which, if well executed, may not be of long duration; the other to be permanently accommodated to the popular religion and character, as determined by every circumstance by which the character of a nation is modified; the institution of courts of justice, to be fixed in every proper station in the Nabob's dominions, and under the control of the central courts of the metropolis, and ha-

* Lord Cornwallis' Letter to the Nabob, on his departure from India, 1793, E. I. Papers, No. 2. p. 18.

† E. I. Papers, No. 3. p. 297, Col. Scot. ‡ Minute, p. 33.

ving the jurisdiction of each duly defined ; with judges and officers independent in their situation ; and of characters, as far as it may be, calculated to attract to themselves popular veneration and public confidence, of the most pressing, present, and absolute necessity.—

But in the state of semibarbarism and anarchy into which this country is unfortunately fallen, it will be impossible to give even a beginning to the operations of such a reformed system of laws and their administration, without they be vigorously supported by an armed force, and of the best kind. However, this necessity has been wisely provided for, by the treaty of 1801 : a point which was very particularly considered when the necessity of disbanding the Nabob's disorderly army, and substituting a British force in its stead, throughout his dominions, came to be discussed *. But to effect the rest of this great end, our Government in India, as it was evident, previous to the treaty, must act with every power it derives from the functions it has invested itself with as the guardian of the Nabob and of the people, in the formation of the original establishment, and the subsequent support of the law and the magistrate.—

But from the character of the Nabob little could be expected in this great work : his pro-

* Defence, p. 39, 40.

fessions and his professed objects, have been perpetually changing. If these were changes of real purposes, such is his versatility of character, it may be almost relied on, that the measures he will embrace for this great reform in one month, he will reverse the next. If these declarations, made on the most important subjects, and with all the forms of fixed determination, were mere pretences; to his engagements on this great business, no faith can be attached. And if his purposes were fixed, his faith unimpeachable, there is the strongest reason to suspect that the caprice which sways him in his perpetual removals of the Cutwals or mayors of the city of Lucknow, equal in population to the metropolis of Great Britain, may induce him as frequently to remove his chancellor, his judges, and chief justices of his several superior courts, and to fine and to imprison them.—

Such conduct in the ruler of a state certainly is not calculated to bring order out of confusion; but on the contrary, to overturn the best regulated and most firmly established system of jurisprudence in the most orderly society. At the very accession of the Nabob, "his personal timidity was too great "and too apparent to permit his administra- "tion to acquire vigour and stability *." In

* Lord Teignmouth, E. I. Papers, No. 1. p. 25.

vain we expect from him that force of mind which shall dare to look steadily on the hazard of so great an enterprize as the attempt to reduce a ferocious and bloody anarchy into order; and establish the reign of law and justice in its stead. Has he not professed, in a public instrument, his inability to support the decision of the intended courts, after they shall be formed, and in the exercise of their functions, against the power of his greater subjects, without the intervention of the officers of the British Government*? And let it be granted, that all these difficulties are gotten over; it has been proved, from the evidence before the House of Commons, that the entire class of his subjects, from among whom the judges, the inferior magistrates, and the officers of the new tribunals must be selected, are, in principle, utterly corrupt: men of a character not to establish a new system of good laws, where at the first they will have much prejudice to subdue; but to bring the best into that contempt which must end in its subversion. For a code of laws, very defective in many particulars, administered by upright and conscientious men, may stand long, and produce good effects; while its excellence shall not perpetuate the duration of another, when the characters of

* Defence, p. 66.

those who have the administration of them, are become the just objects of national disrepute and indignation. And if Saadut Ali himself had been in abilities, totally the reverse of what he is represented to be; suppose him to have possessed the talents of the first of architects of legal systems; to have given the plan of an edifice which law and justice might have gloried to inhabit; to have detailed all the particulars of every part of it, with accuracy and perfection; if he had nothing but rotten materials to work upon, it must remain a fine design only: he never could or would have attempted to lay the foundation.—

One mode alone remained, in which a probable expectation could be formed, that security, law and order could be introduced into Oude.—That the Company's officers should alone be intrusted to carry that great design into execution. It may be asked, are all these inaccessible to those oblique motives which make men deflect to the wrong? Are all these incorrupt and incorruptible? To such a question giving no direct answer, I shall leave the interrogator to frame what answer he pleases. But I shall say this at least; if it could not have been an unmixed appointment, yet there would have been much of good in it; and of good predominating over what might have been otherwise: of energy of principle, of ability,

highly disciplined, and long exercised knowledge of those fundamental maxims of universal law, which must pervade every good code for every nation, every religion, and form the greater part of its spirit.

On beginning the reform with a magistracy at least chiefly foreign, something must be said. Absolute necessity must overweigh objections even of considerable strength: and that necessity in this case is to be regretted. But I contend not for the perpetuating such an establishment in a nation: I regard this plan only as that of a scaffolding, erected for the building of an edifice of the first use and necessity; and which cannot possibly be gotten up without it; to be taken away when it is complete. But in this perhaps the comparison may fail: the whole magistracy must not be changed at once, as a scaffolding may be taken away. Natives of Oude, formed in the courts, should by degrees be elevated to their middle and higher functions. The appointment of the Company's officers was an integral part of the great original plan laid down by the Marquis Wellesley for the government of Oude, and proposed as an article for the future treaty, to the Nabob by Colonel Scot in the following words: " Provided further, that there be esta-
" blished, throughout his Excellency's reserved
" dominions, such a system of police, *under the*

" *controul of the Company's officers*, as shall be " calculated to secure the internal peace of his " Excellency's country, and the orderly and " quiet behaviour of his subjects of every de- " scription*."—

It has been seen that all other attainable means for maintaining social order in Oude were utterly inadequate: it remains to be shown, from the evidence of experience, that putting the police under the Company's officers, was a measure holding out the most flattering hopes of success. And here we shall have the satisfaction to pass in review the progress of the inhabitants of an extensive dominion in a contrary direction to that which their evil destiny condemned those of Oude to go on in; a progress to peace, to stable security, to the quiet pursuits of industry, to competence and happiness, from disorder, insecurity, and misery. The description to be entered upon, supported all along as it shall be by sufficient proofs, will fully do away what has been made a subject of reproach to the British nation; our oppression of the countries we have conquered. On the contrary, we shall here see, that of the two founders of an empire in Peru, we have followed the maxims of Manco

* E. I. Papers, No. 3. p. 250. Draft of a treaty presented to the Nabob, by Col. Scot, July 1801, Art. 3.

Capac, not those of Pizarro: that the success of our arms has promoted their happiness, by introducing good laws, repressing the oppressions of their former petty and their more powerful tyrants, by giving security to their persons and acquisitions; which will be confirmed, that decisive circumstance, the increase of the products of their industry: a demonstration that they enjoy them in security.--

This fact is fully established on the authority of the Marquises Wellesley and Cornwallis: but most decisively on that of the latter. The former, in a letter to Colonel Scot, in the beginning of 1801, states, that "during the last "ten years (that is from 1790), the territories "of the Company have been advancing pro-"gressively in prosperity, population and opu-"lence*." And he thus writes to the Secret Committee of the Court of Directors toward the end of the same year: "Since my depar-"ture from the presidency, I have enjoyed fre-"quent opportunities of contemplating the be-"nefits diffused by the operation of the British "system of government, over every part of the "flourishing and happy provinces which I have "visited." And from this survey he pronounces his "conscientious confidence that no "greater blessing can be conferred on the na-

* E. I. Papers, No. 3. p. 146.

" tive inhabitants of India, than the extension of " British authority, influence, and power*."— We come to the account of the Marquis Cornwallis, contained in his letter to the Directors: " The increase of the exports from India, espe- " cially in the articles cotton and opium, are " astonishing †." The increase of products, especially of those of the soil, are a proof that the productive labourers and cultivators enjoy the fruits of their labour with the fullest security: what he adds is not here copied at length: these products were principally exported to China: it follows from the letter, that although the exports to that country in 1804 were regarded as a proof of this astonishing increase of the trade, those of 1805 were increased even above those of the preceding year ‡. The emigrations also so frequent in the other states of India have wholly ceased in those under our dominion: and now, " emigrations into the Com- " pany's provinces from the contiguous native " states, for the express purpose of enjoying " our laws and government, are infinitely more " frequent than any other emigration from any " other quarter, into the dominions of any " other state in India §." The effect of this salutary system has not shown itself so conspicu-

* E. I. Papers, No. 5. p. 14.
† Ibid. No. 11. p. 4.
‡ Ibid.
§ Ibid. No. 3. p. 212.

ously in the jungles of Midnapore, on the confines of the Mahratta territories ; there the Zemindars have the greatest ascendancy over the minds of the people; and feeling their authority undermined by it, had indisposed them to its reception. But in this district something of a compromise has taken place: the administration of the powers of the police has been intrusted to those Zemindars, and hitherto with good effect.—

These provinces, when they were acquired by the English, were involved in much internal disorder and misery ; although certainly not so deeply as the more unfortunate country of Oude. And the recovery of their inhabitants from an almost lawless state, to social order, was effected by the servants of the Company, and no other. And the same remedy, if applied to the Nabob's dominions in their present state, would probably be found adequate there also : at least none other holds out the appearance of an equal probability of attaining so desireable an end. For that reason the flourishing state of the British dominions in Indostan required to be particularly described here.

The East India Company was also interested in the highest degree, that the most probable plan to effect the reform of the judicial branch of government should be carried, at once, into execution at Oude. That policy must have

been blind, which would before hand have suffered the experiment of one or two feeble plans to have been tried, with an intention of coming to a better at the last: for the contempt and ridicule drawn down upon the ill constructed systems, which men had seen fail before, will attach itself, and long remain attached to the plan here recommended: and render its first operations more difficult, and even the success of the whole, perhaps, after the trials of those inadequate remedies of more doubtful issue. Commotions in the different districts will be frequent; rebellions of a formidable description more probable at all times. And the Company will constantly be obliged to maintain a greater army on foot, in the territories of the Nabob, than if a good system of police, and a regular and firm administration of it were established. The charge of the additional troops which they would be thus obliged to keep up, would be considerable: and as the income of the ceded territories is fixed, they have no means to draw it back, but must submit to the loss.—

But there is another mode in which the continuance of anarchy in the Nabob's reserved dominions will be followed by the greatest detriment to the Company. A long line of open frontier on the East of Rohilcund, separates

that province from his country ; and the inhabitants of either side of the line have almost cast off all government and order. Those on the West, in the ceded province, where distress and oppression, while they were under the Nabob, had made a more rapid progress than in any other parts of his territories, certainly were as disorderly as their neighbours in the reserved dominions. If, therefore, the cotinguous frontier of Oude shall be permitted, by making experiments of inadequate plans to introduce a police, to continue a scene of perpetual outrage, violence and plunder; the dominion of law and order will be very slowly if at all restored on the side of Rohilcund. The banditti who swarm in the Eastern province, will not be restrained by an imaginary line of demarcation prescribed by any political compact. The scene of their depredation will be indifferently on either side of it, where they hope the greater plunder is to be acquired. Perpetual predatory excursions on the other side of the boundary line, will also produce perpetual pursuits of the plunderers ; on the failure of which, the pursuers may be tempted to make reprisals where they are to be obtained ; and thus they will many of them ultimately become a banditti themselves. Those also on the frontiers of Oude will be joined there by the fugitives from the ceded pro-

vince, where the reformation is going on; and by all those who cannot change a predatory for a settled habit of life: these will be their guides and leaders in their excursions into their own former settlements. To prevent this state of turbulence and violence on our new frontier, which may penetrate far into the interior, there seems to be only two remedies: the one stationary bodies of troops at proper posts, and maintaining them there at a vast expence: the other employing adequate means to put a stop to the confusions which prevail from the absence of all police in Oude*. The interest of our empire in India imperatively require the real establishment of a good system of law there, and a diligent administration of it. This the Nabob has repeatedly engaged to do by treaty and otherwise: and it becomes an obligation of the Company, as the power conferring that situation upon him, and maintaining him therein, to cause those engagements "to be put in "execution; *and by the application of its force*, "*if not otherwise to be effected* †." An obligation that body contracted to his subjects by their act of constituting him their governor, "and which the subject only can remit ‡."—

We have now done with the consideration of a plan; the wisdom, the vigour, the real bene-

* See Preliminary Dissertation, p. 10.

† Ibid. p. 16. ‡ Ibid.

volence of which, are entitled to the utmost approbation, and the failure of it to our strong regret. It was encountered by difficulties operating against it almost with the force of necessity: but it may be predicted that the necessity itself will arise that will do them away, and from the failure of all the feeble means which may be first tried. This is among the reasons that the properties of a plan to effect this reform, which Lord Wellesley made an experiment to establish, has been here laid open at some length. Another was definitively fixed by the treaty of 1801, in which "his "Excellency engages that he will establish in "his reserved dominions such a system of administration *(to be carried into effect by his "own officers)* as shall be conducive to the prosperity of his subjects, and be calculated to "secure the lives and properties of the inhabitants; and his Excellency will always advise "with, and act in conformity to the counsel of "the officers of the said Honourable Company*." Of the appointments which the Nabob will or can make from among his own subjects, enough has been recently said. The engagement to advise with and act in conformity to the opinion of the Company's officers being immediately subjoined to the former,

* E. I. Papers, No. 4. p. 29.

has a strong reference to it; and as it stands connected, implies that the advice of those officers shall be of the greatest weight in these appointments, and in the whole system of administration to be adopted. But if we could conceive that the Nabob would act upon this article without duplicity, to the evils which will follow the circumstance of that system being carried into execution by his own officers, we see no remedy that offers itself.

We shall give freely our conception of that almost invincible difficulty, which determined Marquis Wellesley to acquiesce in this plan; weaker as it is, and of less promise than his own. If the new system of law had been to be brought forward, criminal and civil courts established, and all their places filled by the servants of the Company; ample and honourable provision must have been made for their support, and that of their dignity: and for this purpose a part of the revenue of the Nabob's reserved country must have been appropriated by treaty. But what is the only valid security for such payments being made by the treaty? The Nabob of Oude stands engaged to pay to the Begums, to the remoter relations of his family, to sustain their dignity, to the pensioners of his predecessors, and to their old servants, certain yearly payments. But how are they paid? The Company takes upon itself, that

the whole shall be discharged by its resident at Lucknow when due, and becomes the creditor of the Nabob. A creditor whose demands are not so very easily trifled with or eluded, as those of old ladies or superannuated servants. The debt thus yearly contracted by the Nabob to the Company for a *bona fide* advance made to him, has of late years always formed a part of the sum total of the subsidy ; it is now paid by an equal part of the revenue of the ceded territories : no inferior security to that of the Company engaging to pay the salaries of the officers of the police, when due, could be safely taken by them. But to indemnify the Company for advance, the Nabob must engage to them an equal amount of the revenue of the reserved territories : a condition just and necessary in itself, but capable, by misrepresentation, of being made the ground of a charge, which must render our government odious to the inhabitants, if not the governors of the different states of India. Upon what consideration, it will be demanded, was the cession of territory urged upon the Nabob ? Was it not that the revenue of his reserved countries should be for ever free from all further demands of the Bengal Government ? No sooner is the treaty concluded, but it takes possession of the whole judicial power of his states—fills them with its own officers—appoints them salaries at its own

discretion, and paying them—demands a new subsidy from the Nabob: a species of charge he had expected to have redeemed for ever, by the recent cession of so great a part of his territories: a payment for remission of which he must never look; and the first of a new set of pretensions to be set up to eat up the remainder of his revenues. Such were the representations which would have been probably made of the perseverance in this step, by the powers in the East openly or more concealedly hostile to our interest: that the manner it would have been looked upon by them was among the reasons why it was laid aside, is, however, a known fact. And a prudent policy will always have much regard to this. Circumstances also may become subsequently arguments for a measure which was not among its motives. The misconstruction of the first great and official plan of the Marquis, stated above, would have been circulated here, with many additions which inventive malignity and envy would make to them to draw popular odium upon it. All the great and little demagogues, in parliament and out, would have clubbed their aid for this: and to these would have been joined a party possessing a weight full as great as is due to them on all questions relating to India; and who sometimes are not a little swayed in these points, by interests not coincident with those

of our Indian empire, or the empire in general. But we are now come to the last article of the treaty remaining undiscussed, the cession of territory.

The character of every public measure depends on the magnitude and utility of its consequences to the parties affected; the justice of the means employed; and the ability with which any resistance which may have been opposed to it, it has been defeated. In the considerations now to be entered into, on the cession of territory, obtained for the Company of the Nabob by the Marquis Wellesley, in the treaty of 1801, its consequences to the interests of the inhabitants, the East India Company, and the Nabob, will be only discussed. Hitherto the utility of his great objects, has been the the principal subject of these examinations: of the justice, the vigour, the policy of the means he employed, all mention has generally been kept back. When the consequences of the cession have been explained, that will be the only point, of the total subject, remaining to discuss.

The several parties affected by this great measure, the inhabitants of the ceded countries, the Company, and the Nabob, are here ranked as I rank the importance of their interests. For first among the three undoubtedly are those of the inhabitants: to them it is

a double revolution; personal, and political; of effective princes, and of laws.

It is to them an exchange of situation from that of a country under the government of the nabobs of Oude, to that of the British provinces: from the mixed chaos of an alternate anarchy, and the oppressions of greater and of petty tyrants; from rapines, violence and murder, to the permanent dominion of fair authority ruling by equitable laws, the security of person and property, the quiet enjoyment of the fruits of their labour, and that competence arising from it which at last improves into general opulence. For these, it has been shown, are the consequences of the change of a British for an Indian government; and even an Indian government, better administered than that of the ceded territories was, while under Saadut Ali, or Asoph ul Dowlah. Beside, the amelioration of the state of our new subjects will be more rapid and more beneficial, than any thing that our old territorial possessions hold us out an example of. The original task was arduous; it abounded in difficulties; many of the secondary means resorted to to effect this noblest purpose to lead a people from semibarbarism to civilization, for want of antecedent experience, were circuitous in operation, and slow in effect. Some, adopted through error, obstructed rather than furthered the great end to which

they were intended to be subservient: and it must afterwards have been discovered, that there were others which were then never thought of, which would have brought the good effects of all the rest to an earlier maturity, and added to their number and their degree. Many of these were pointed out to a commonly enlightened observation: but this system had not for its founder a man of the profound politic reflection, the energy, the decision that the enemies as well as the friends of the Marquis Wellesley admit him to possess: had it originated from him, beneficial as its effects have been, even such as it has been shown this country may glory in, they would have been more beneficial and of greater extent. But if, prior to that, it had been in possibility he should have received all those lessons of experience, which have been above pointed out to be deriveable from what has been already done in the old dominions; he would, at that very time, have excelled himself: and it is with that natural sagacity, improved by that very experience, that he sat down to form the code of institutions to establish law, security and social order in the ceded countries. And for these reasons it is affirmed that the amelioration of their state (if the spirit of Marquis Wellesley shall govern those to whose care it is committed, no overweaning mediocrity corrupt it by the foreign admixture of its own

plausible imbecilities; no invidious malignity undermine its principles, or obstruct their effects, to rob his name of the honour it will confer upon him) shall be more rapid in its progress, and higher in degree, than that which has raised our old acquisitions to that of happiness, which is the envy and admiration of Hindostan. The benefit of the cession to the inhabitants of the ceded countries needs no further to be insisted on.

The effect of the cession on the interests of the East India Company, as the second in rank and importance, becomes now the object of discussion. And here all the arguments used against the extension of the territorial possessions of the Company, will be brought forward against the measure. But this greater extent of territory makes no change in the line of frontier: the Company had charged itself with the defence of that line: it remains the same as it was, when the frontier of our ally; to the defence of which we were before bound. It now becomes our own; and defensible with a less force, since the reduction of the mutinous and disaffected rabble called the army of Oude. For when it was apprehended that Zemaun Shaw was approaching to invade that country, a force of 20,000 British was required by the commander in chief: but between 1-4th and 1-5th this force was found necessary

to overawe the mutinous troops and disaffected subjects of the Nabob; and to protect his person against the treasonable conspiracy of his own guards. The act of taking possession of these countries does not involve the Company in the charge of their defence: to that they were before engaged, and not by treaty only: that defence was necessary to the safety of our own dominions; it cannot be voluntarily relinquished. Considering the two countries in a military point of view, Lord Cornwallis looked on them as one only: that is totally open to each other on their borders. "I consider," says he, "*the Company's territories and those of* "*your Excellency as the same.* The protection "of your Excellency's dominions is absolutely "necessary, as from its situation, the boundary "of the whole, it is more exposed to foreign "attacks*." By the evidence of Colonel Baynes, who was five years aid-de-camp to General Craig, it is proved, that the proper military position to defend Bengal from an attack from Cabul and Lahor is the country of Oude†.—

The only injury, therefore, that the interest of the East India Company can sustain, is that they shall become losers by the acceptance of the revenue of the ceded provinces, instead of

* E. I. Papers, No. 6. p. 3. † Minutes, p. 79.

what they might have become entitled to receive by the treaty of Lord Teignmouth. But the whole body of the accusers of the Marquis will on this point become his zealous defenders: they will urge that the commutation of subsidy for territorial revenue, has not enriched the Nabob at the expence of the Company; but that the former has been thereby iniquitously made an absolute sacrifice to the latter.—

But the question deserves to be a little more particularly considered. In times of tranquillity, or when the defence of Oude did not require more then 13,000 British auxiliaries, the subsidy was fixed at 76 lacks of rupees: but in case a foreign invasion or civil war should call for an increase of that force, the augmentation was to be paid for at an agreed rate. Every such permanent increase brought on, by the terms of the treaty, an increase of the permanent subsidy. And the Secret Committee of the Court of Directors, in their answers to the Governor General, when he communicated to them the terms of the treaty of 1801, wherein this cession was agreed to, absolutely state, that it "appeared expedient permanently to station "in Oude* such a number of troops, that the "sum chargeable for them, upon the Nabob, "would be equal to the revenue of the ceded

* E. I. Papers, No. 1. p. 58.

" territory; the deduction for the civil adminis-
" tration of the country being struck off from
" it": and here it becomes a question, Had the Company or its government at Bengal a power by the treaty of 1798 to increase the auxiliaries beyond 13,000, and charge the Nabob with the additional expence, except on his own requisition? Lord Teignmouth concluded that treaty; and is therefore the best expositor of its sense, when any particular point relating to it is brought into doubt. And he has declared, " that applications for such augmenta-
" tion of force were not to come from the Na-
" bob, but that the Company were to be judges
" of the necessity*," and consequently of the expedience. For it is very frequently too late to begin to provide against necessity itself, when it appears in a shape perfectly indisputable. And the expedience of the increase of the number of the troops in Oude was afterwards declared by the Secret Committee, as cited above. The payment for a force not to exceed 13,000, 76 lacks of rupees is called, in a private paper of great authority, lying before me, the old subsidy: the addition to have been made to it, according to the treaty of 1798, is apparently therein distinguished by the appellation of the new subsidy; it is there taken to have amount-

* E. I. Papers, No. 1. p. 13.

ed to 50 lacks; this addition seems referred to also, in a question put to Lord Teignmouth during his examination, where it is taken at 39 lacks only.—

"By the cession," the Board of Controul, by the Secret Committee of the Directors, affirm, "that the Nabob was liberated from all future "extraordinary charges to be incurred by the "Company, for the internal and external se- "curity of Oude*." [Although the ceded revenue in its present state was equal to the ordinary subsidy only, without any equivalent for extraordinary aids.] "They being satisfied "to accept in compensation thereof, the in- "creased revenue which may reasonably be "expected to arise from the superior adminis- "tration of the ceded districts under the Com- "pany's management†." And let us endeavour, on very probable grounds, to examine how far that expectation ought to be extended.—

Rohilcund is among the ceded countries: the revenues of some smaller districts are known to have been reduced in a much higher proportion‡. But let it be admitted, that on the average, the reduction of the income of the remainder of the ceded territories, is to be taken on every equal amount of the jumma, at one half only of that of Rohilcund. And be it

* E. I. Papers, No. 1. p. 58. † Idem, Ibid.
‡ Defence, p. 9, 10.

supposed, in the first place, in addition to this, that the utmost effects of the better system of the universal administration to be introduced among them, shall only be able to restore them to the same state of prosperity they had enjoyed under the better Indian governments.—

It has been before shown, on the authority of Lord Cornwallis, that the revenues of Rohilcund had formerly amounted to 80 lacks of rupees, and had afterwards been improved to a crore*: let their amount in the time of the former prosperity of the country be taken at the mean of these two sums, 90 lacks. Lord Cornwallis affirms them, at the time he wrote, to have been reduced to 40: at that sum, with the addition of a small fraction, which shall be neglected, they were taken in the estimate of the revenue of the territories acquired by the Company in 1801: here the re-augmentation requisite to bring up the jumma of this province to its former amount, is 50 lacks, or, as expressed by what is called an improper fraction, 5-4ths of what was then collected, the required supplement of the rest of the revenue of the territories, by the supposition laid down, will bear one half that proportion to the reduced income of those districts, or be 5-8ths of the same. And the jumma of both the parts of the ceded

* Defence, p. 9.

countries, and of the whole, its probable augmentation, and its ultimate total, provided the countries re-attain the prosperity they had under former Indian administrations, the supposition here followed, will, according to what is above laid down, be as follows:

Revenue Column.	*Present.* 1*st* C. L. R.	2*d.* *Mlt.* *plr.*	*Probable aug.* 3*d.* 1+2 C. L. R.	*Final amt.* 4*th.* 1+3 C. L. R.
Rohilcund,	0 40 00000	1¼	0 50 00000	0 90 00000
Other ceded districts,	0 95 23000	⅝	0 59 51000	1 54 74000
Cessions total,	1 35 23000		1 09 51000	2 44 74000
Sicca Rupee 2s. 3d.*	£1 521,300		£1 232,000	£2 753,300

The sum 1 Cr. 35 L. 23,000 Rup. is the jumma or gross revenue, as stated in the definitive treaty. This the Board of Controul had before them, when they gave their approbation to that instrument: and I conclude, that from the probable grounds above laid down, or from others leading to a like result, they might with

* Lord Teignmouth says, that he shall take the rupee at 2s., admitting tacitly that this is by no means an exact value. A paper of high authority before me, states the value at 2s. 6d. from the facility with which any amount in rupees may be read into pounds Sterling, Lord Teignmouth's assumption is very much followed. I have heard 2s. 3d. and 2s. 2d. named as correcter values than 2s.; these may be even too low; but I did not choose to recede any further from the customary estimate, than to take the greater.—

confidence infer, that although there might be initially even some defalcation in the amount of the revenue of the ceded territories, £1,521,300, on account of extraordinary charges, yet as they had fallen below their product, even under Indian administrations in former times, by the sum of £1,232,000; they might expect, from the superior administration of the Company's officers, they would at no remote period be fully recovered from their then state of depression, and attain the values in the last column.—

But a happy experience had beside taught them, how much, in their own provinces, a British Government promotes the security of property, and consequently the product of labour, and the revenue always increasing with it, more than the best native administrations had done before. But this is not all: it has been already shown, on arguments against the probability of which none of equal probability can be adduced; that the system of administration to be established in Oude, will be followed by "an "amelioration of the state of our new subjects "more rapid in its progress, and more com- "pletely beneficial, than any thing our old "territorial possessions can hold us out an ex- "ample of*."—

* Defence, p. 88.

The interests of the Company were therefore greatly promoted by the cession. It was the opinion of the Secret Committee of Directors, that this great future advantage might come to be purchased by some diminution of a present receipt which it greatly overbalanced. But such present sacrifices, to be followed by such future advantage, there are those in the Court of Proprietors who do not approve. It may diminish the investment of a year, and somewhat depress the price of the Stock in the market to increase each by a greater amount *hereafter* only: and of those who do not look so far, or those who feel their immediate interests affected by it, great numbers will always be very loud in the censure of such measures: and they will find more favourable auditors than the wisdom of their condemnation deserves.

It remains now, in the third place, to prove, that the personal interest and accommodation of the Nabob have been greatly promoted and augmented by the cession.—

There are two respects in which the situation of the Nabob may have been affected by this cession of territory: in his revenue or his dignity. The last is mentioned, because, following the common but erroneous custom, his dignity shall be considered here as that of a prince, although it is nothing more than mini-

sterial: in point of revenue, he is a very great gainer by this measure.

More recent accounts than those which were submitted to the House of Commons in the year before the last, enable us, at this time, to go at least with something more of particularity into this subject. The annual average net amount of the jumma is better fixed "by "an account dated the 1st of July 1806, and "ordered to be printed the 3d of the same "month, than by any we have had before. It "thereby appears, that the amount of the net "revenue of the ceded provinces, from the con-"clusion of the treaty (Nov. 10, 1801), to the "30th of April 1805, was 3·82·18,764 sicca ru-"pees;" the period was of 3 years, 171 days, or 3·46 years. Hence the average of the period was 1·10·45,000 sicca rupees for the *European* year. The amount of the old and new subsidy was 1·26·00,000 rupees, and even thus it appears that the gain of the Nabob by the cession was 15·55,000 rupees. But it is here tacitly supposed, that the net income of the Nabob, from these territories, was 1·10·45,000 rupees: it stands on the best and most recent authorities, that it did not, after all the diminution it suffered before it got into the treasury, fully discharge the old subsidy of 76 lacks of rupees: the remaining 50, or new subsidy, therefore, must have been paid out of the income of the

reserved dominions, which are now totally set free; increased by the sum by which these revenues, as paid to him, fell short of the old subsidy.—

But there was another considerable saving to the Nabob, from the disbanding the greater part of his army, retaining only a very small force about his person. The new body of auxiliaries was substituted in the place of the troops thus dismissed: the new subsidy, or 50 lacks of rupees, defrayed in the manner stated above, was the charge made upon him for that additional force. But the charge of the disbanded troops ceased, and he gained the difference of their former pay and the new subsidy, diminished by the pay of the small force he at present keeps up. This saving may be determined, and on two great authorities, but its amounts so derived will be very different. It appears by the account of the income and expenditure of the Nabob for the years 1792 and 1793, drawn up by G. Johnson, Esq. and laid before Lord Cornwallis *, and his examination before the House of Commons †, that the charge of the army, and that of the Motayene are the same things. Lord Teignmouth stated its amount in the year 1202 Fussullee, or from Sept. 1796 to Sept. 1797, at 96·59,200 sicca

* Account annexed to Minutes. † Minutes, p. 35.

rupees: but prior to the 31st August 1800, on the requisition of Colonel Scot, the Nabob had dismissed many battalions of his troops*, on the occasion of the first augmentation of the Company's stationary force in his dominions. The precise reduction is no where minuted in the printed papers which have fallen under my inspection: the remainder, a small reserve excepted, were not disbanded until after the treaty of 1801.—The first part of the new subsidy then became due from August 1800; and the pay of the disbanded troops was applicable in the discharge of it. At the introduction of the last body of British troops, and the final reduction of those of the Nabob, the remainder of the new subsidy became payable yearly; and it amounted, in the whole, to 50 lacks of rupees. Of the total of his military expence for the force he still kept up, no actual account can be obtained: an estimate on which as much reliance may be placed as is ever allowed to sums so stated, makes the charge of his reserved military establishment, including horsemen and sepoys, nejebs, and artillery, 8 lacks of rupees: to this is to be added the expence of sundry small corps, under different denominations, but classed generally under the head of

* E. I. Papers, No. 6. p. 11. Letter of Governor and Council to Secret Committee, Aug. 31, 1800, Par. 40, 41.

armed peons, which shall be taken at three lacks; it had, before the treaty, amounted to 3·97,420 sicca rupees: but it is stated as certainly diminished since: this leaves the total charge of his present military establishment 11 lacks, which, added to 50, the new subsidy, the total of the two charges 61 lacks; being what he would have to pay on account of military establishments, instead of 96·59,200, the charge of his army in 1797, (in which we will suppose that of armed peons to be included,) or prior to the first reduction in the autumn of 1800. Thus he appears to be a gainer, even as charged with the new subsidy, instead of having this former army to pay; by 35·59,200 rupees.—

I come now to the second mode of drawing this balance, which gives a result very different from the former; showing indeed some advantage to the Nabob, but so extremely feeble, that it would not deserve to be brought to account. It stands on an authority to which no doubt can be attached, that "*before the treaty*," "the charge of the Nabob's military establish-"ment, including, first, horsemen; second, se-"poys; third, nejebs; and, fourth, artillery; "amounted to no more than 57·43,718, and for "armed peons 3·97,420 sicca rupees: or for his "forces of every denomination, 61·41,138 sicca "rupees: and his charges under the new sys-"tem has been seen above to amount to 61

" lacks: his gain, therefore, amounts only to " the small sum of 41,138 rupees."—

The two accounts, indeed, are capable of reconciliation. With Lord Teignmouth let it be taken, that the pay of the army and the different corps denominated armed peons, continued to be 96·59,200 sicca rupees, to the period of the first reduction, which took place in August 1800, and appears to have been considerable. Now, if the yearly expence of the troops reduced had amounted to 35·18,062 sicca rup. the charge of the Nabob's troops of all kinds would have been, from August 1800, to the conclusion of the treaty, that is, for a period of a year and a quarter *before the treaty*, 61·41,138 sicca rupees; or for the army, 57·43,718 sicca rupees, and for the armed peons, 3·97,420: and the gain of the Nabob, by commuting the former pay of his army for the new subsidy 35·59,200 sicca rupees as above. This solution of the difficulty, reconciling the two accounts, and consisting perfectly with the expressions used in both, seems to me very probable: but I can take upon myself to say nothing further for it.—

But a contingent advantage arose to the Nabob out of the treaty, evidently great in its amount, but not reducible to computation: if peace had continued on the borders of Oude from the date of the treaty of 1801 to the pre-

sent time, it is thus shown that the Nabob would have been greatly relieved by the cession of territory in lieu of the old and new subsidy: but if a war had broken out on his frontiers in that period, as the Company's troops in his country must have been increased beyond their present peace establishment, by treaty he was chargeable with the whole of the pay of this additional force during the continuance of those hostilities, over and above these subsidies. And " it would have cost him " an immense sum to defend the part of his " country, which lies continually open to the in- " cursions of the Marhattas."—Whence " in " the last war with Holkar,*" as it follows from the evidence of Major Ousely, who is aid-de-camp to the Nabob; a very considerable proportion, if not the entire amount of the expence of the augmentation of the British force in his own country, must have been paid by him. In every pecuniary point of view, the Nabob has therefore already been highly benefited by the effects of the cession.—

But it will be contended that a cession of territory diminishes the dignity of any power; and this proposition will be laid down as a universal truth; but I believe many cases might be produced, in which it will appear on the face of

* Minutes, p. 67.

each to be evidently false. When the last House of Burgundy was in possession of its immense dominions, which made the power of its dukes equal to that of a European sovereign; suppose one prince of that potent house had ceded certain counties or lordships to his feudal sovereign, to be released from all claims of superiority and homage for the rest; would he not thereby have passed instantly from the ducal to the regal state? And where would have been his loss of dignity? Further, let the converse of the question before us be considered: a prince possesses a moderate dominion; but he is free from all claims of tribute. A neighbouring power makes an offer to him of an addition of territory, but with this condition, that he shall consent to pay a tribute for it; and a tribute exceeding considerably the whole net revenue to be drawn from his new acquisition. We may ask whether the dignity of such a prince be increased by his thus being rendered poorer and tributary to another? On the contrary, would it not be diminished? And if he were to resign his acquisition to get rid of his obligation, who could consider his dignity not as restored but impaired? But the latter is very nearly the precise case of the Nabob: the greater parts of the ceded territory are recent additions to Oude. Rohilcund and the Doab were conquered by our arms, and put

into the possession of his brother; and by the resignation of these countries, with an addition of much less magnitude from the old territory of Oude, than is commonly supposed, the Nabob makes an important increase of his revenue, and ceases to be a tributary; circumstances increasing, not diminishing, his dignity. And although it does not strictly belong to this head of the subject, which is the consequence of the cession of territory considered uncombined with any other branch of it, it may be added, that no abatement of his dignity could follow from the reduction of that mutinous and traitorous rabble; at times the object of his terror, always the oppressors of his subjects, which was called the army of Oude.—

This diminution of his territory and the supposed loss of revenue and dignity, is stated to have affected him with strong and permanent grief; which was evident in his outward appearance, and which has greatly impaired his health. The conclusion of the treaty, it shall be admitted, may have been to him a subject of a long continued discontent and grief, from other reasons beside those alleged, which have been shown to have no existence. The fact of his having become a prey to discontent, since the signing of the treaty, shall be here inquired into. The particulars to be stated are such as ordinarily do not come under consideration

when the subject is important, but they have had, and are qualified to have, a consequence given them which renders it improper to pass them by. If we leave these misrepresentations unrefuted by known facts and evidence, they may be employed as the materials of a great deal of fine pathetic speaking and fine pathetic writing; which frequently do the service of complete proofs, in influencing the opinion of numbers. Lieutenant-Colonel Baynes who had been at Lucknow, and most probably in the beginning of the year 1800*, and again toward the close of 1802†, remarked at the latter period "that the Nabob did not look near so "well as he had done some years before‡." But when it is known that a man at the period of life at which the Nabob was arrived, previous to his attaining that office; had been in "the habit" of intoxicating himself in private "with spirituous liquors§;" if at the end of a term of some years, "he should not look near "so well" as he did at the beginning, we might attribute this to a natural, not a political cause: and the state of health and spirits induced by such excesses, "indolence‖," and, what is a part thereof, "slovenliness¶," are among their usual consequences. Negligence of dress may

* Minutes, p. 75. † Ibid. p. 78. ‡ Ibid. p. 26.
§ Ibid. Lord Teignmouth, p. 21.
‖ Ibid. p. 78. Col. Baynes. ¶ Id. ibid.

be among the marks of mourning in India, but those who habitually intoxicate themselves with spirituous liquors will frequently appear with this mark of mourning. Suffering the beard to grow is another; and "after the conclusion of the treaty he suffered his beard to grow*." There was no art, nothing of simulation or dissimulation he had not recourse to, to protract or defeat the negotiation for the treaty, as will be hereafter seen. And among other means "well studied in sad ostents," he appears to have attempted to impress an opinion by all external signs of grief, on the powers of India and Europe, of the oppressive nature of the cession required of him by the Governor General; which was among the modes by which he hoped to obtain an alteration in the terms of the treaty, or even to procure the plan to be entirely abandoned. Thus, for a "considerable time before the treaty, he suffered his beard to grow;" but "*he shaved again shortly after*†." To have taken off his beard immediately after the conclusion of the treaty, would have clearly avowed the purpose for which he suffered it to grow; but his grief for that event having actually taken place, did not induce him to keep it any longer than was necessary to save appearances. When Colonel

* Minutes, p. 78. Col. Baynes. † Ibid. p. 70.

Baynes saw him last in 1802, he did not wear the state or dress turban *, another mark of mourning: he adds in substance, that at the former period of his being at Lucknow, he was a man who paid uncommon attention to the elegance of his dress. But what if it be shown that it was the very continuance of that attention which made him disuse the dress turban? It was probably about the end of 1800, that he gave up the use of it, "changing it for another "which was a much handsomer one; it was an "improvement, as he considered, on all the tur-"bans that he had worn before †." This information we have from Major Ousley, who enjoyed a greater share of intimacy with him than any other European; "and whose conversa-"tion with him turned more on personal grati-"fications and amusements, than any thing of "a political nature ‡." Of all the external marks of satisfaction or dissatisfaction exhibited by the Nabob after the treaty, his situation about his person qualified him to be by far the most competent evidence. The negligence of dress and personal appearance after the treaty, arising from dejection, or any other cause, he utterly denies. To the continuance of his solicitude in these respects, he gives the following testimony. "As long as I have known the

* Minutes, p. 78. † Ibid. p. 70. ‡ Ibid. p. 61.

" Nabob, he always paid a studied attention to " dress, and not only in the particular periods " of 1798 and 1799 *." His intimate connection with him began in the latter year. He further alleges, that " he has every reason to " think him happy and contented at present: " he takes his amusement as usual, and there " are no particular marks of care or anxiety " about him." And he immediately adds, " I " really think he ought to feel himself more " happy, for he has been eased" of a very great expence in consequence of the treaty. Premising here the remark, that he is a character of singular parsimony, and therefore that he has not increased his expences since the treaty in a greater proportion than his income has been augmented; I proceed to describe the state he now maintains, as far as it is subject to public observation. " I conceive," says Major Ousley, " the Nabob's splendor at the present mo- " ment, and his furniture and houses, to be in " a state infinitely more magnificent than they " were formerly †," that is, before the treaty. " His palaces much more sumptuous, his caval- " cade perhaps is not so numerous as that of " Asoph ul Dowlah, but it is much more beau- " tiful ‡." And this is the man whose spirit was so broken down by an iniquitous and op-

* Minutes, p. 63. † Ibid. p. 67. ‡ Ibid.

pressive treaty, that he grew entirely negligent of all appearance in public. As to his jewels, he had made "large purchases*," augmenting those which he inherited from Asoph ûl Dowlah. Some proofs also may be added, implying not only that his mind is at ease, but also that it is conciliated to us. That spirited regiment the 8th dragoons, not having horses, volunteered their services on foot, under General Lake, in the beginning of the war against Holkar. The Nabob, when he heard of it, asked the reason: and, being informed, he directed 400 of his best horses to be selected out of his own stud, and presented the regiment with them †. In 1804, General Lake was ordered to move in pursuit of Holkar. There was not at the time the sum necessary to set the army in motion, in the treasury of the ceded provinces; and the English agents were attempting to open a loan at £12 per cent. at Lucknow for £100,000, the sum wanted. This the Nabob immediately supplied, and without interest, for 18 months, and he afterwards increased his advance to 20 lacks of rupees ‡.—

It follows, from what has been said on this subject, that the commutation of the pecuniary subsidy from the Nabob, for the revenue of the ceded territories, has been a benefit to their in-

* Minutes, p. 67. † Ibid. p. 65. ‡ Ibid. p. 66.

habitants, and to the East India Company: and if the Nabob came into the measure with reluctance, it has increased his revenue, the splendor of his situation, and ultimately rendered him content and happy.

Although it has been already shown, that all the objects effected by Marquis Wellesley in Oude were beneficial as well as great, something yet remains necessary to complete the defence of his transactions in that country. Great ends must be pursued on moral principles, and by moral means. Whatever of this kind is otherwise effected, although it look well on the outside, is nothing but a splendid crime, however beneficial it may be to more states than one.—

It has been affirmed that the conduct of the Governor General to the Nabob, by which he is said to have been ultimately compelled to sign the treaty of 1801, was inconsistent with the faith of treaties subsisting between him and the Company, legitimately construed: the last of the charges against him here intended to be considered.

To what is to be said on this subject a fundamental rule for the legitimate construction of all treaties must be premised: every part and sentence of a treaty must be so understood, if possible, that it may consist and stand together with every other part of it; so that the

same instrument shall not contradict itself—thus if it happen that a particular provision of the treaty may bear grammatically two senses; and if it were considered absolutely apart and by itself, one should be more customary, and therefore more probable, than the other; if the first be clearly inconsistent with another part of the treaty, but the other will stand with it, it is absolutely to be rejected: to act openly or covertly on the other sense of the equivocal clause; contrary to that of the provision, the meaning of which is clear on the point, is an absolute breach of the treaty.—

Among the grounds on which the requisition of the Governor General to the Nabob, to dismiss that irregular and traitorous rabble, which was called the army of Oude, which will come here to be considered; and to retain only such a number of troops as were necessary for the purposes of state, and the collection of the revenue; one will be derived from the law of the construction of treaties laid down above. Nor does it want the gravest and most reverend authorities in its support: our courts of justice have adopted it as a canon on which the true sense of the legislature must, in all such cases, be determined: and they appear to have adopted it, *mutatis mutandis*, from the theologians, especially those of our own church; who have in the strongest manner sanctioned this rule.—

Our first treaty with a Nabob of Oude was that of Allahabat in 1765*: in this it was stipulated, that he should disband all his troops exceeding a certain number.

In the year 1787, Lord Cornwallis, by letter, recommended to his son the Nabob Asoph ul Dowlah to disband half his troops. By the formal accession of the Nabob to the propositions contained in that Letter, they became effectively articles of a treaty†: but this recommendation was never acted upon as such. We come now to the origin of that of 1798, concluded by Lord Teignmouth. The articles of Benares, accepted by Saadut Ali, previous to his elevation to the Nabobship‡, were the basis of it—following the first treaty with the family, that of Allahabat, and the proposition of Lord Cornwallis, one of them stipulated for the reduction of the forces of Oude, and to a definite number§: and this engagement found its way into the treaty, in Article 12, in the following form:—"it becomes necessary to make certain reductions "in the superfluous charges of the public esta- "blishments, servants, &c., to that end the said

* E. I. Papers, No. 1. p. 23.

† Defence, p. 42, where it is seen how strongly the Company pressed on the Marquis the disbanding of the Nabob's "armed rabble."

‡ Minutes, p. 7, Lord Teignmouth.

§ E. I. Papers, No. 1. p. 23.

"Nabob agrees to consult with the Company's "government, and in concert with them devise "the proper objects of such reductions, and "the best means of effecting them*."—"The "Nabob himself was anxious" (as Lord Teignmouth in his evidence informs us) "that his "military force should be reduced in Oude—"it was his wish," while the treaty was negociating, "but he was afraid a specific proposi-"tion of that kind might excite alarm. On some "discussion with the former minister Tofuzzul "Hassun, Lord T. also thinks that the article "(as cited above) was substituted instead of "the plain article†."

On this variation Lord Teignmouth, in another place, justly observes, "that, in fact, the "terms of the Article are rather modified than "renounced; for the terms of that which has "been substituted for the original stipulation "includes all the establishments, as well mili-"tary as civil‡." Here we see a veil considerately flung over a stipulation of the Nabob to prevent a revolt in his army, to which they were at that time, from their attachment to his rival Vizier Ali, greatly disposed; but it is expressly said not with the intention of renouncing it. It was also done by mutual consent.

* E. I. Papers, Treaty, Art. 12. † Minutes, p. 14.

‡ E. I. Papers, No. 1. p. 23.

And the article of the preliminaries of Benares has thus the effective nature of a secret article added to a definitive treaty: for although it existed before the treaty in its proper shape, it was concealed from sight by the cover invented to supply its place to the same effect, but with a less hazardous ostentation. And the reduction of his forces in particular remained matter of plenary obligation upon the Nabob.—

But this is to be considered in conjunction with part of the last Article of the treaty; "that the Nabob shall possess full authority "over his household affairs, hereditary domi- "nions his troops, and his subjects." If this clause of the treaty were taken separately and independent of all others; it is certain that by *his troops*, the whole embodied army of Oude would more obviously present itself as the sense of those words: yet from them it could not be absolutely so determined; for a part of that army might not be so. He took nothing in Oude but what he holds from our gift; therefore what is not part of the gift, or the benefice conferred by us upon him, did not so become his. Before he was made Nabob he agreed, in case of his elevation to that dignity, to retain part only of that army, and of consequence to disband the rest: after his elevation he expressed himself during the negociation of the definitive treaty, anxious for its reduction.

The part to be retained, therefore, could only properly be called his, whether that were to be the greater or the less. What was in these words considered as his troops, was the army of Oude after such reduction was completed: the only troops he could possess he could justly call his own, after he had engaged to reduce the rest: and in this sense only could he have full authority over them.—

Beside, in that full authority is contained the power of using them as he shall determine: that is to commence a war against any neighbouring state without consulting the Government at Bengal: but in the first preliminary dissertation it is shown, that a state under the protection of another cannot have the right of making war vested in it without the assent of that power*.

The evidence of Lord Teignmouth, cited above, of what passed during the negociation at Lucknow, is abundantly confirmed by the Nabob's letter to Marquis Wellesley in October 1799; admitting that the year before, he had planned a reform of his troops, "and was the "first to propose it†." He wrote thus on the occasion of the plan drawn up by Sir Alured Clarke, by the direction of Lord Wellesley, having been laid before him by Colonel Scot;

* Prelim. Dissert. 1st. p. 1. vii. †Defence, p. 46.

to which he gave "his thorough concurrence*." And many instances of the apprehension he at particular times expressed himself to entertain of his troops, were declaratory of the continuance of his desire for their reduction, and might be here brought forward†.—

The negociation for this purpose continued, without making any apparent advance, to the month of November. And as the Governor-General had determined, that at all events the execution of this article of the treaty should then take place with all convenient dispatch; to effect this, it was requisite to march an additional body of our troops into Oude, to overawe or subdue any mutinies which might be expected to rise among the troops to be reduced, and to supply their places, to preserve the peace of the country. This, it appears, was the only convenient season of the year for this operation; and it had not escaped the penetration of the Nabob. He had formed a determination to use his utmost efforts to defeat this great measure, or at least to procrastinate it as long as possible. Much art and much well studied hypocrisy were now brought into employment by him. He had some time before hinted to Colonel Scot, that he had a proposition of consequence to lay before Lord Wellesley; and

* E. I. Papers, No. 3. p. 14. † See Defence p. 32, 33.

endeavoured to impress him with a belief that he was totally overwhelmned with the difficulties of government. After this well conducted preparation, at last, on the 12th of November, he acquainted him with the substance of it: that he was come to a resolution to resign the nabobship, on being allowed to retire with his treasure, and one of his sons succeeding him. This proposition which he agreed should be laid before the Governor-General in writing, by Col. Scot, but in a manner and form to be approved by himself, to receive his decision upon it. The sole object of this measure the event indicates to have been to introduce a more important subject of negociation, which should occupy the whole attention of the British Government, so that the measure already on foot, respecting his troops, might be suffered to sleep for that season, until it should be too late to think of its execution. The tardy progress of an important treaty to be carried on in writing, with its train of propositions, with their particular answers; the replies to these, and the rejoinders to those replies; and all this correspondence to pass between two places so remote from each other as Calcutta and Lucknow, was admirably calculated for this purpose.

The propositions to be transmitted in writing in the name of Colonel Scot were revised, altered, settled, and authenticated by the Na-

bob: here began his preconcerted delays. Although very short and in its contents not varying from his first declaration to the minister, it was eight days before he gave his final fiat to the paper. But his genius suggested to him that he might introduce into it a new occasion to protract the treaty: this he attempted by the insertion of a declaration, " *that under cer-* " *tain circumstances, and for certain reasons**, he found it impossible to continue the government; to this he was induced by an expectation, that a full explanation of these circumstances should have been demanded of him, leading to a prolix description of them, on his part; alone the matter of a long correspondence. Thus he had two subjects of discussion; and if the first proceeded too fast, he might hope to retard its progress, by directing his communications chiefly to the second.—

This duplicity seems entirely to have imposed on the resident. When he first announced the Nabob's pretended intention to resign to Lord Wellesley, he observed upon it, that " it " may even be indispensably necessary, to de- " fer all attempts for the reform of the military " establishment during his Excellency's admini- " stration†:" and he, in a subsequent letter, says, that he had remitted considerably that vigour with which he should have otherwise pressed it‡.—

* E. I. Pap. No. 3. p. 34. † Id. ib. p. 28. ‡ Id. ib. p. 45.

The Governor-General rejected the terms on which the Nabob offered to resign, and proposed others in their place. After the supposed "causes and circumstances," inducing him to make that offer, he made no inquiry. Thus the Nabob was at the outset defeated in his object of a double discussion: and how sensibly he felt this defeat is evident, by his making this omission the first object of exception which he took at the answer of the Governor-General to his overture: "He had entertained a hope "that his Lordship would have called upon "him for an explanation of them*." But more severe must have been his mortification to find, that "the precautions to be taken for the dis- "tribution of the Company's troops were to be "much the same †," whether the treaty were to take effect, or the reform only to be proceeded in; and that the measure necessary for the reduction of his troops would proceed, notwithstanding the negociation. This discovery induced him, (although he held out other pleas,) to relinquish his pretended design ‡; and constantly afterward to avoid all negociation upon it.

At the conference with Colonel Scot, at which he informed him of this, the real object of his making the illusory proposition of resignation became evident; to evade that reduction of his

* E. I. Pap. No. 3. p. 62. † Id. ib. p. 41. ‡ Id. ib. p. 62.

military establishment to which he was bound by treaty, he now affirmed, that the reform "on "the principles proposed by the Governor-"General, would annihilate his authority in his "own dominions*:" and that "thousands of "people would be deprived of their subsis-"tence; and serious commotions and alarms "take place in the capital†," ostensible objections only, then for the first time advanced, but contradicted by his previous declarations, and his internal sentiments. For he could not think the disbanding of an army, which "he considered as inimical to his per-"son and government‡" would subvert his authority; or entertain sentiments of regret, or consider it as an act of injustice, that they were deprived of a subsistence as soldiers, their duties in which capacity he believed them ready to violate: or were commotions in the capital an object of his real fear; as he might on requisition be furnished beforehand with such a body of British troops as would overawe every attempt at insurrection. And the reduction actually took place at last without any disturbance there.

The declarations of the Nabob were an effective refusal, to disband that part of his army marked out by the plan of the Governor-Gene-

* E. I. Papers, No. 3. p. 63. † Id. ib. p. 77.
‡ Minutes, p. 97. Sir J. H. Craig.

ral, and expressly approved by himself. The quality of this act of refusal requires examination. An obligation on the part of the Nabob to effect this, was inserted in substance in the definitive treaty, in concurrence with his expressed "anxious" wishes*. He had lamented "*the want of stability in the system of his govern-*" *ment* †;" that "it was become in the last de-" gree ineffective, and the whole frame loose ‡." The commencement and the gradual increase of the miseries of Oude in the time of Asoph ul Dowlah; and that in his own they had grown up into a magnitude beyond that of any former period §, he had admitted. These evils called for a new system of administration, or for the improvement of many branches of that already subsisting. But "for the salutary "purpose of introducing any possible improve-" ment in the other branches of government," "the Nabob had repeatedly declared the pur-" posed reform" of the troops "to be indis-" pensably necessary ‖:" and his military system he calls "*the primary source of disorder* ⸸." He acknowledged also that important measure

* Defence, p. 113.

† E. I. Papers, No. 3. p. 32. Nabob's Letter to Marquis Wellesley, received October 24, 1799.

‡ Defence, p. 68.

§ Ibid. p. 52, and see Internal Misery of Oude, p. 48 to 68.

‖ E. I. Papers, No. 3. p. 56, 57. ⸸ Id. ibid. p. 23.

to be impracticable, without the aid and assistance of the "British Government*." That aid was offered to him: a body of troops, in addition to those constantly stationed in Oude, were to be marched into the country to suppress any revolt which might be meditated by his forces stationed in any part of it, and to preserve the peace of his dominions.—

This aid was rejected in the manner stated above. In the First Preliminary Dissertation it was proved, that when a country is involved in anarchy, a prince placed on the throne by a foreign state, holds it on the condition of restoring regularity and law, "if it be in his power: "if it be not, and he refuses the external aid "which may be necessary for that purpose; "the universal scene of misery and crime which "his non-usance of his own derivative autho- "rity so aided, continues and confirms the dura- "tion of throughout his dominions, renders it of "the highest obligation to the constituent state "to oust him †." The Nabob proceeded as far as he dared, in an approach to a direct refusal to that reform of his troops, to which he was by treaty obliged, and had given for a long period his concurrence to, in terms seemingly sincere: while he had in the fullest manner admitted, that this measure was requisite to restore go-

* E. I. Papers, No. 3. p. 57. † Dissert. 1st, p. 15.

vernment to its proper strength, and establish a system of law of which there were in this country few traces existing. "He threw all possi- "ble impediments in the way of" the aids which were necessary to assist him in effecting this purpose; which, after his concurrence given to this measure, were advancing into the country: "exposing them to difficulties in obtaining sup- "plies of provisions," by not issuing the Purwunnahs for that purpose to the proper officers, after repeated applications: "a conduct "unequivocally hostile *." Better reflections, however, induced him to furnish these instruments, a day or two preceding his receiving the Governor-General's strong and merited remonstrance on the subject: and when he found the consequence of persevering in the breach of the treaty, and of his repeated assurances; by the refusal of the reduction of his troops, according to the plan to which he had previously given his approbation, he withdrew that also. Thus he escaped the infliction of the forfeiture he had deservedly incurred, that of the protection of the Company, and his relations of amity with them. For by the very act of accepting his power under it, he makes himself (as a beneficiary), in the fullest sense, amenable to them as the *real* donors: and nothing contrary to

* E. I. Papers, No. 3. p. 101.

what is the immediate inference from his act of acceptance can be pleaded for him.—

Thus we see the Marquis Wellesley was fully justified in the reduction of the troops. The mean he used to effect it was an appeal to the treaty, and to the subsequent concurrence of the Nabob, up to a very late period. On the extent of this reduction, I find no question agitated in any of the papers laid before Parliament, or elsewhere: therefore one observation only shall be here made upon it. From printed extracts of certain letters of Sir James Craig, in the years 1798, 1799, and 1800*, it appears that the Nabob's jealousy and apprehension of the whole of his army was such, that there could be no particular corps which he could be actually desirous of retaining in his service. And it has been remarked before, that there were certain seasons when his just apprehensions and resentments secured his approbation to the largest reduction which could be proposed to him.—

The magnitude of the original augmentation of the auxiliary force in Oude, is a question closely connected with the disbanding of the troops. It must have been foreseen, that the greater the force to be dismissed, the greater would be the strength of the mutineers, if a

* Dates, Oct. 13 and 31, 1798; and Mar. 23, 1799.

mutiny should break out: and a proposed reduction of great extent, known also to the Nabob's army, would make such an event more probable. Hence the additional force must be proportioned to the reduction. Its other great object was also to restrain all insurrection which might arise from other causes in the Nabob's country: for the disgust in which he declared that he was held by the people, and the misery and anarchy which prevailed throughout Oude, were such, that it would require no small force to keep their discontents, when encouraged by the disposition of the disbanded soldiers, from breaking out into a rebellion, or to suppress it. It was determined also that the whole British stationary force in Oude ought to be of sufficient strength to oppose a respectable resistance to a foreign attack, in cases when additional troops from our provinces could not be sent in due time to assist in repelling it, from whatever cause that inability might arise.—

By the former treaty we were obliged to furnish the Nabob with a force of 13,000 men, on the payment of the old subsidy: and when an additional aid should become necessary, an addition was to be made to that payment proportioned thereto. Hence have originated the very agitated questions; which power, the Nabob or the Company's government, were to determine

in every case whether such aid is necessary or not? and of what number of men that force should consist?

The Nabob maintained, that both the necessity of an augmentation of the troops stationed in Oude, and the number to be supplied was to be determined by him. "The march "of the troops ordered by the Governor-Gene-"ral, he urged, had in no wise his consent*:" and "in no part of the articles is it written or "hinted, that after the lapse of a certain num-"ber of years a further permanent augmenta-"tion shall take place†." But against the conclusion these assertions are brought forward to support, there exists the most cogent evidence which can be applicable to the case. It is that of Lord Teignmouth who made the treaty; and he affirms the consequences of the provision relating to the augmentation of the auxiliaries to be, that "the Company are judges "of the necessity‡:" and "by the terms of "the treaty, if they thought it necessary to "station a force to the amount of double the "force stationed in Oude; the Nabob was "bound to pay for it, so long as it was neces-"sary to the defence of the country‡." that they were to determine upon that "neces-

* E. I. Papers, No. 3. p. 77. † Id. ibid. p. 88.

‡ Minutes, p. 13.

" sity without consulting the Nabob*;" and that he did not think the " Nabob was to apply " for them*."

Some consideration shall be given to the article of the treaty, which runs thus: " If at " any time it shall become necessary to aug- " ment the troops of the Company in Oude be- " yond the number of 13,000 men—the Nabob " Saadut Ali Khaun agrees to pay the actual " difference occasioned by the excess above " that number†." One great covenant has been pointed out in the treaty, from which the plain matter mutually agreed upon could only be inferred by induction: a second example, which will be shown in its place to be such, will be hereafter produced: and this article is taken to be so drawn up. It is not to be construed exclusively in a sense, that is totally nugatory and superfluous, as ordering what must of necessity take place without provision: but this must be the case if reinforcements were to be sent to Oude solely on the application of the Nabob; for the Company have the power of a negative on such an occasion, and he not that of coercion: they were masters of the pecuniary terms on which they would agree to it, nor would they, unless in a case not very suppose-

* Minutes, p. 13.

† E. I. Papers, No. I. p. 29.

able, supply a reinforcement to the stationary troops without an addition to the subsidy.

On the other hand, the Company, from the undoubted priority and superiority of their political intelligence, might see a necessity or high expediency of augmenting their forces in his dominions; which either he did not concur in, or he might think doubtful; and hope it would pass away of itself, without involving him in an expence in its nature certain. To diminish a certain charge also, he might put off his assent to that which he should esteem the last moment safety would permit, to reduce the time it would continue, and thereby the succours might arrive too late. Yet, even in all these cases, some of which would not unfrequently occur, the Company are under a moral and conscientious obligation by treaty to increase their establishment in Oude, as they are obliged to its defence, and the principle of the connection between the countries is, that all such defence shall be fully paid. And this charge (if not definitively provided for) the Nabob might, when the danger was past, be very willing to avoid: justice in that case would entitle the Company to have recourse to coercive means to procure payment; and to preclude that necessity, which very probably might sometimes take place, the article here considered determines,

that such aids shall be paid for at an assigned rate. It states generally that *all* augmentations made to the troops stationed in Oude shall be paid for by the Nabob: that is occasional or permanent; made on his own application, or the judgment of the Company on their necessity. The Company's government therefore, by the letter and spirit of the treaty, were justified in making an addition to their permanent force in Oude, if in their judgment it was necessary.

His resistance to that right established by treaty, the impediments flung in the way of the advance of the troops by the Nabob, and his attempt to hinder them from obtaining any supply of provisions, unless by violence, were acts effectively hostile to the Company's rights, abrogating the treaty of 1798, and the relations of amity between them. The Company were thereby empowered to demand a new one, as the condition of the restoration of their forfeited protection; in which every thing should be provided, for which the experience of the character of the Nabob, the vices of his administration, the miserable state to which his fine country was reduced, and particularly so by his own bad government, had evidently rendered necessary, even to the common good of all parties.

With respect to the judgment of the number of troops to be permanently or occasionally

stationed in Oude being vested in the Company, there are two remarks still to be made: the first, that it arises from the nature of an unequal federation, as explained in the First Dissertation, and the application of its principles in the first part of this Defence; and the second, from the circumstances in which the superior power, in such an alliance, may frequently come to be placed.—

As our obligation to the defence of Oude extends to all circumstances, it has been shown that the Nabob has no power of making peace or war. With respect to its relations to other powers, Oude is absolutely merged in our Indian empire, and is become a province of it. The political government of Oude resides at Calcutta; and the Cabinet there ought to determine what force and of what kind is necessary to be stationed in every province under that government, for the general defence of all its provinces. The Nabob having no foreign residents, can have little intelligence of the designs of other states, even against his own country; Calcutta must be the center of political information, and from thence every order for the defence of Oude as well as Bengal, those countries being, with respect to military defence one, must emanate.—

And from the circumstances in which the Company may frequently be placed, it is obvious that " the number of British troops ordinarily

" stationed in the Nabob's dominions for their " defence not exceeding 13,000, would not be " adequate to that purpose in the event of an " invasion: while, on the other hand, various " circumstances, at such a time, might render " it impossible for the Company's government " to augment the ordinary force either to the " extent, or within the time required by the " emergency*." Other reasons might also be added, to show the necessity of the protecting state being vested with this authority in the disposition of its own troops. It is thus proved that the march of the augmentation into Oude was justified by the treaty of 1798; that the insertion of an article to that effect was necessary to prevent disputes between the two states, which must terminate, at least, in the coercion of the less by the greater; and that the matter of it stands on ground of political necessity.—

In speaking of the disbanding of the army; in conjunction with the article relating to it, it became necessary to consider the last stipulation of the treaty introduced by the Nabob himself, " That he shall possess full authority " over his household affairs, hereditary domi- " nions, his troops, and his subjects†." What has been said with respect to the full authority

* E. I. Papers, No. 3. p. 24. Marquis Wellesley's Letter to the Vizier, Nov. 5. 1799.

† Ibid. No. 1. p. 22. Treaty, Art. 17.

thereby vested in him over his troops, and the modifications with which it is to be understood, equally applies to that which the treaty stipulates him to retain over his other establishments. It stands, in one sense, and in that alike connected with all the objects enumerated as falling under it, which, in the preceding terms of the treaty, he had stipulated should be reduced, namely, "all public establishments, servants, &c." "In "concert with the Company's government, he "was to devise the proper objects of such reductions, and the best means of effecting them*." And these reductions being effected, those appendages of the office the Company conferred upon him became *his*, in the terms of the treaty, and not before. And Lord Teignmouth, in his minute of the date of March 5, 1798, recording the reasons on which the treaty, and its several articles, are founded, declares the 12th to "authorise an interference on the part of "the Company in the Nabob's establishments "as well military as civil;" for certain purposes specified in the treaty; but in every other respect it secured to him the fulness of authority. It must be observed here, that when a superior guarantees the ruler of a dependent state against all internal commotions and civil wars, the power of interference should be much more extensive than that reserved here: other-

* E. I. Papers, No. 1. p. 21. Treaty, Art. 12.

wise the former might become obliged to make war on an oppressed people, taking arms to resist the most atrocious tyranny, and to be at all times ready by arms to assert its continuance. If a power be under the necessity of obtaining a guarantee against the resistance of its subjects, the power granting it puts itself under a moral obligation also to guarantee the subject against the tyranny and bad government of the ruler. On the latter head our former treaties with Oude were silent: that of Marquis Wellesley has applied a due remedy to this omission, correct in point of principle. Against the means by which it was obtained, as no objection has been urged, it is presumed none can lie.

But while the Nabob thus thought to acquire a large portion of independence, he grasped at a title to power from the Company which he had no means to exercise. Keeping his counsels in general, and those which respected the enumerated objects in particular, solicitously from the British resident, he lost with his subjects all that weight that the supposed concurrence of the latter with his measures would have given him. No interference appeared: but that being esteemed as withdrawn, his power was trampled on; and he was frequently a despised, degraded cypher on the Mosnud; and obliged, on the most disgraceful occasions, to solicit

that interposition. An instance or two will show this weakness of his authority, and the infidelity of his character: for his personal character must come in for a part of the remainder of this subject.—

To what degree he could avail himself of his full authority over his military establishment, the following account will indicate. A single disaffected battalion, and even of his household troops, having refused to march to a place whither they were ordered, until a part of their arrears should be paid up; he determined to clear them off, and, for example, disband them. This resolution he communicated to Colonel Scot, and they were ordered to attend at the treasury in the palace by companies, to receive what was due to them, and deliver up their arms. The attendance at the palace they refused: the Nabob now applied to the resident for advice; who recommended to him to persevere in his order, and offered the service of the English regiment at Lucknow to reduce them to obedience. The mutineers sent a deputation to the Colonel, who succeeded with facility in persuading them, and through them, the battalion, to obedience to the Nabob's command. To evade the payment of their arrears, the example to be given to the rest of the troops was forgotten; and the Nabob now pretended that there was no longer a neces-

sity for disbanding them: but on the recommendation of Colonel Scot, he returned to his original plan. The just amount of these arrears had been before settled: but now he caused a demand of several thousand rupees to be set up against them, pretended to have been advanced to their former commanding officer. Against this the resident remonstrated, and at last procured the due payment of the arrears, and the corps was quietly disbanded*. It is evident that the Nabob had no troops of his own, which he then dared to call in to quell this small body of mutineers; for it cannot be supposed he had no other troops near Lucknow.—

We have seen how available the full authority was which he retained in his hands, undiminished by that object of his anxious jealousy British interference, to secure the obedience of his military establishment. With how firm a tone he was able to maintain that authority in the administration of his revenues, and over the public accountants, is now to become the object of inquiry. The date of Colonel Scot's first dispatches from Lucknow is June 7th, 1799†: and so early as November 21, of the same year, in his secret letter to the Governor-General, he informs him, "that the Nabob

* E. I. Papers, No. 3. p. 19. † Ibid. p. 7.

" had been more than once obliged since his " residence there, to have recourse to the in- " fluence of the British name, to bring his Au- " mils to a settlement*."—" The conduct of " some of them was arrogant, of others, openly " disobedient to him†:" the troops attached to "these Aumils, though paid by the state, " were under their sole controul, and subordi- " nate to their views. It is the possession of this "force that rendered them formidable to him, " and enabled them to dispute his orders, and " contest his arrangements‡." And the Nabob at length seemed to feel the burthen of that full power, he was unable to weild; and which so unfortunately for his own repose, and even to the diminution of his personal consequence, and the repose and the good government of the inhabitants of Oude, he had so ardently coveted. He was even reduced to express his desire to the resident, to be by him communicated to the Governor-General, that he " would " lay his injunctions upon *him*," to commit the most direct infractions of that article of the treaty, conferring full authority upon him in his internal government, in the unlimited sense in which he and his partizans here, contend it ought to be understood. The injunctions he desired to be given to the English resi-

* E. I. Papers, No. 3. p. 34. † Ibid. p. 36. ‡ Ibid. p. 85.

dent were, not only " to admonish," but " to " menace any person who shall manifest a dis- " position to disobedience or contumacy *." We have here the petition of the Nabob, that the British government would interfere strongly in the internal administration of his country. On this ground alone the insertion of the article in the treaty of 1801, for the interposition of the British government in the internal administration of Oude, stands on the most uncontrovertible and justest principles; if others derived from the interest and happiness of the people, and of greater weight could not be brought forward †.—

The conduct and the power of the Aumils which have been stated above, show that the Nabob would frequently have the justest motives for these applications: but it must be in addition said, that he would not in all cases decline acting on such as are fraudulent. The high character of Colonel Scot, as a gentleman of the most unimpeachable honour; to which we find many testimonies in the East India papers, and particularly in the evidence of Major Ousley, although " some causes of personal " animosity at one time existed between them ‡;" will put what he has written, from which a

* E. I. Papers, No. 3. p. 19.

† See Dissert. 1st, p. xiii. xvi. xviii. Art. 3, 4, and Def. p. 29.

‡ Minutes, p. 68.

charge of advancing false claims on his Aumils may be inferred against the Nabob, beyond the possibility of contradiction. In his letter to the Governor-General, in which this application for his strongest interposition is mentioned, he states "that he had been always "ready to interpose, where it could be required "for the enforcement of any just demand:" but that sometimes "he has withheld a blind "interference under an implicit confidence in "his Excellency's own statement of the case." The Nabob's formal request for these orders to him as resident, he testifies great satisfaction at: but from the knowledge of his character, the solicits of the Governor-General, that by one article in them, he should be empowered "to insist upon an impartial investi- "gation of every case in which that interposi- "tion might be called for:" a precaution which to that time it appears he had always observed; while the Nabob was indignant that he had not given implicit confidence to his own representations. Circumstanced as the administration of the revenue, the collectors, and the Nabob, were in Oude; we see into what a state of degradation his attempt to retain full authority in this branch of administration has plunged him. If the resident had possessed the power of direct interposition, his attention might have prevented the government of the country com-

mitting itself in an unjust demand: but in the case as it was, the Nabob, by his appeal, reduces himself to the level of an equal altercation with his officers of revenue; who, we may see by what Colonel Scot has said, have not unfrequently succeeded in showing his demand has been false, at least in the extent he has made it.—

Nor was he able to support the authority of his office better in the civil administration, than in the department of the revenue, or his military establishment. Nominal courts of justice there existed in Oude, "but powerful "individuals overawed and retained them in "subjection*:" and when the Nabob proposed to Marquis Wellesley, that regular tribunals should be established on a better system, he annexed as a requisition to the article, "let "the Company assist me in enforcing obedience "to them†." His apprehensions of future disobedience to his sentence delivered by *his* judge in such courts, among other causes must have, in a great part, arisen from its former frequency.—

What is said on this head of the Nabob's aspiration after possessing full authority in all the different branches of the internal government of his country, shall be concluded by a remark on his petition to be divested of it.

* Def. p. 67. Letter of Lord Cornwallis to the Nabob.
† Id. ib. p. 66.

It prays that a regular power of interposition might be vested in the resident, to be used against his subjects, when manifesting dispositions to disobedience and contumacy: this clearly includes a concession of the like interposition in favour of the subject in case of oppression or bad government on the part of the Nabob; for he shall not be esteemed as having petitioned for an unjust partiality from us. Whence the article for the effective interference of the British minister in the internal government of Oude arises out of the act of the Nabob.

Every stipulation of the treaty of 1801, which is an addition to that of 1798, will be made an object of attack. Of this kind is a part of the 6th article of the former, wherein the Nabob engages that "he will establish in his reserved dominions, such a system of administration (to "be carried into effect by his own officers) as "shall be conducive to the prosperity of his "subjects, and be calculated to secure the lives "and properties of the inhabitants*." In principle, it is presumed, nothing can be objected to this article. And its insertion in the treaty is a simple consequence of his prior representations to the Governor-General on the subject. Afterwards, by an explanatory article to the treaty, proposed by himself, the British Go-

* E. I. Papers, No. 1. p. 33.

vernment agreed to afford him its aid to give full effect to this engagement, against the power of a faction in Oude, interested to prevent its being carried into execution. His dispositions on this head were expressed to Marquis Wellesley, more than two years before the treaty; but when the termination of the war in the Mysore had enabled the Governor-General again to turn his attention to the distracted affairs of Oude; the Nabob expresses by letter his high satisfaction at that event, and states the necessity of "his establishing a sys-"tematic settlement of the country, in a man-"ner to promote the security and ease of the "Ryot, or occupier of the lands, the prosperi-"ty of the country, and the tranquillity of the "people." Citations of declarations of this kind on his part, prior to the treaty, might be multiplied *. And the attention he bestowed that this condition in the treaty should have full effect, sufficiently demonstrates that its insertion had his entire approbation: for after the signature of the treaty, Lord Wellesley made a progress to Lucknow; certain articles remained to be explained and added to it; among which was the following proposed by the Nabob, the fourth in order of his requisitions:

* E. I. Papers, No. 3. p. 9.

† See E. I. Papers, No. 5. p. 3. and sundry other authorities.

" Regular tribunals—shall be established for " the—purpose of fulfilling just claims; and of " securing the lives and properties of the peo- " ple."—And if any person should refuse to acknowledge the jurisdiction, or oppose the " au- " thority of the tribunals; let the Company's " officers assist me in enforcing obedience to " them *."

The last article of the treaty, the merits of which shall be made an object of discussion, is that which directs the commutation of the subsidy for the constant force and occasional aids to be kept up in Oude, for a portion of territory in which the cession of all the Nabob's interests is made to the Company. On this the opponents of Marquis Wellesley have founded a charge against him, on which they repose the utmost confidence, and perhaps consider it as the first in strength of those which they have brought forward: so much deference shall be shown to this predeliction of theirs, that the article shall be considered with some attention.—

The demand of this cession was made in behalf of the Company on two grounds; arrears due from the Nabob according to the treaty of 1798, at the time of making the last, and the rapid decline of the revenues of the country, whereby all security for the future due payment of the subsidy, if not already lost, must

* E. I. Papers, No. 5. p. 28,

have been lost in a short period. The particulars connected with this article must be considered under distinct heads: 1. The amount of the arrears at the last period before the treaty as collected from the East India Papers: 2. The past decrease of the revenue, and the reasons pointing out why it must still continue to decrease: 3. What is found in the treaty of 1798, on the security to be made over to the Company in the case of arrears contracted: 4. Whether there exists any other permanent security to the power subsidized, except a cession of territory; 5. And if not, when is the best period for the declining state to make it, and in what mode: the result of these inquiries will be applied to the cession demanded of, and made by the Nabob of Oude to the Company, by the treaty of 1801.—

The arrears had been suffered to become considerable when the demand of the cession was made. And although the old subsidy was, during a great part of the time in which it continued unincreased, paid with considerable regularity; yet dispositions were occasionally shown by the Nabob, to evade his engagements: for in the beginning of the administration of Lord Wellesley, he seems to have been determined to make an experiment, to see whether he could not be permitted to contract an arrear. Every monthly payment he kept back considerably beyond the stipula-

ted day: each of these delays produced a letter of remonstrance from Calcutta, on which the arrear was discharged*. And the Nabob had apparently hoped that the constant trouble of repetition of these requisitions would become so much, that at last the Company might sit down with the delay in these payments, which had sometimes been permitted to take place in his brother's time. The remonstrances which Col. Scot was directed to make on this subject convinced him of his error. But afterwards, when the money has been ready in his treasury, he has refused to pay it, on false and even injurious allegations; and when they were disproved, he set up a second set of the same character, but not connected with the former. In the year 1800, the month of July was drawing to a conclusion; and the instalment of the old subsidy for June remained unpaid, although the money was ready: the pretence set up by the Nabob was, that our resident had directed certain of his Aumils to make no payments into the treasury: he showed the allegation to be ungrounded, and received what he understood to be a promise of instant payment. This being demanded, after some delay, the Nabob refused compliance a second time, under the new pretence that Colonel Scot had interdicted the attendance of the Aumils or their

* E. I. Papers, No. 3. p. 4.

agents at the Durbar; an omission of attendance which actually had never taken place *. Here is seen, on the part of the Nabob, a strong disposition to evade the regular discharge, even of the old subsidy, although on different motives, at the different times mentioned.—

The amount of his arrears on the new subsidy, due for the payment of the augmentation of the permanent force in Oude, up to the time the cession took place, was 21 lacks of rupees†: the justice of this claim by the treaty of 1798 has been fully shown. But in that year, the preparations of Zemaun Shaw for the invasion of Oude, obliged the Company, by their treaty, to send a very considerable augmentation to the force permanently kept up there; it was increased from 13,000 to nearly 20,000 men: When his enterprize was put off for the year, part of these troops were marched back into the Company's territories, but the remainder were then retained in Oude: and during the following year, because the Vizier Ali, relying on the general disaffection to the Nabob, and the strong partiality of the native army in his favour, had broken into the province with an armed force, with an expectation of re-ascending the Musnud. The charge of all these troops, payable also by the Nabob, was

* E. I. Papers, No. 3. p. 255, 256. † Ibid. No. 5. p. 17.

38 lacks, 13,000 rupees, estimated up to March 31, 1801; no payment upon which appears by the papers to have been made, before the signing of the treaty at the end of that year. And his arrears at that time due, on these two heads conjointly, appear thus to have amounted to 59 lacks, 13,000 rupees. To this sum, on the equitable construction of the former treaty, an addition is to be made: the Shaw, on his retreat, threatened to renew his attempt against Oude in the following year: and an embassy was sent into Persia, to endeavour to prevail on the sovereign of that country to make a diversion in the favour of the Nabob; by granting assistance to the brother of Zemaun Shaw, who disputed his right to his dominions. The mission perfectly succeeded: and this expence was incurred by the Company in the defence of Oude, although not in its military defence. And it was a leading cause, at least, of saving to the Nabob the charge of another additional body of auxiliaries a second year, against the threatened invasion.—

But the claim for the charge of the reinforcement sent into his country on the first occasion, is contended to be utterly unjust: for the object of the Shaw having been to attempt Bengal, the great seat of our power, the attack was drawn upon the Nabob as our ally. The answer to this is plain: the alliance was of

the first necessity to him: and the attacks on his dominions would in consequence of it be, on the whole, fewer and less dangerous; altho' it should be admitted, that it might become occasional cause of others, to which they were not subject before. By the treaty he was obliged to pay for additional auxiliaries on any attack of his country, without reference to the cause which drew the attack upon him: nor does the justice of the claim depend upon the Shaw having had an ulterior object or not, or whether it were the invasion of our territory, or of any other.

The frontier of Bengal is open and defenceless toward Oude: and an enemy in the direction of whose march to invade Bengal that country lies, in the state its proper force was in under the Nabob, would instantly make himself master of it. Twenty thousand of our troops, at the very least, were then necessary to its protection: and if we had not re-inforced our stationary army of 13,000, they must have fallen back on their reinforcements on the borders of Bengal, where they would have made a successful stand, and the interior of the province would not probably have been made the seat of war. But, by the addition of 7000 men made to that force, if Zemaun Shaw had continued his march, Oude would have been saved from conquest, Lucknow from plunder,

and that excellent collector and faithful steward for a conqueror, the Nabob have saved his whole treasure. And if, at other times, some abatement of the total extent of our just demand could be conceded, at that period it was not to be looked for. We were fighting for the very existence of our empire in India, on which the continuance of the Nabob's power certainly depended, and probably of his life, and that of his children.

Taking the arrears of the Nabob to have amounted, before the treaty, to 59 lacks of rupees; upon that sum it must be observed, that it was such an arrear as gave the Company a right to call upon him for a more satisfactory security for regular payments, than they already possessed; especially when his frontless duplicity and avarice is considered. The accusers of Marquis Wellesley will be undoubtedly among *the first to admit this;* who have all along contended, that a subsidy of 56 lacks was all that the country could bear during the administration of Asoph ul Dowlah; when the revenues were much more productive, than at the time the new security was demanded.—

Yet at a period somewhat advanced of the administration of that Nabob, Lord Cornwallis, in his letter to him on his quitting the government, says, " It is well known throughout Hin-" dostan, that notwithstanding the prevalence

" of peace during so many years, the revenues " of your Excellency's dominions are diminished " beyond all conjecture*." This diminution went on during the long remainder of the life of Asoph ul Dowlah; but under Saadut Ali, with accelerated celerity to the time of his last treaty. And " he declared himself unable to find funds " for the pay of the additional British troops†." The quotations of such declarations on his part shall not be here multiplied. " Nor is the " strength of his Excellency's testimony (to this " point) in any degree invalidated by occasion- " al declarations of the contrary tendency‡," which a particular exigence suddenly induced him to endeavour to obtain a belief of. The system of collection, and many things in the character of the Nabob, precluded the hope that this ruinous decline of the public revenue could by any means in his power be retarded. The Aumil pays an agreed sum for the district, the contributions of which he receives: " but in " these he is limited by no defined or settled " rent-roll furnished from any department of " government: the amount is consequently at " his own will; and has been regulated accord- " ing to his conscience, or his strength§." In a

* E. I. Papers, No. 2. p. 16.

† E. I. Papers, No. 4. p. 8: see also Art. 17. 22. of the same letter, No. 3. p. 78. 193. 149. 160. 186. 187.

‡ E. I. Papers, No. 5. p. 9. § Ibid. No. 3. p. 206.

country where that tax-gatherer had the power of life and death; where the distribution of justice, or what was called such, was overawed by him, or by troops attached to his person; where the people of whole villages within six miles of the capital, are compelled to fly from their habitations on a disagreement with him, and the military are called in to set fire to them, abuses fully entered into before *; the revenues of such a country must be in continual and rapid decline.

The character of Saadut Ali also accelerated greatly the fall of the public income. "His jealousy †" would suffer no person of weight or ability to occupy a high place in his government: he embraced "an abusive system "for the extortion of revenue‡;" and his intense avarice defeated its own ends; as for a little present advantage he would fling away important future benefits §. Nothing could stop the progress of the defalcation of the revenues of such a state, under such an administration. Certain motives gave the Nabob a strong aversion to the employment of a minister; while he contended, that "he himself was "totally competent to discharge all the functions "of that office; for which want of experience,

* Defence, p. 54.
† E. I. Papers, No. 3. p. 3.
‡ Id. ibid.
§ Ibid. *incert. loc.*

" and diligence with other causes, rendered " him totally unfit *." Of the latter no stronger instance, perhaps, could be given, than " that in October 1800, the accounts of " the two great Aumils Almas Ali Khan " and Mirza Mehudi remained unadjusted, " and no settlement made with them or " with other persons for the current year; al- " though the usual period for entering into en- " gagements with the Aumils, had elapsed two " months †." This delay puts it in the power of every Aumil to reduce his jumma at the settlement; the shortness of the time not allowing the Nabob to try whether he could not from others obtain more adequate terms. The deposit of the Peishcush, or advance of a certain rate per cent. on the yearly sum agreed for, on the conclusion of the treaty with each, renders such a competition, at a term of time unusually short, almost impossible to obtain.—

A great loss of revenue, and, from another source, was, during the time of the negotiations of 1800 and 1801, to be looked forward to as likely to take place every day, and of necessity in a very short time. The vigorous administration of the great aumil, Almas Ali Khan, had restrained the inhabitants of the Doab, the most valiant and the most turbulent district

* E. I. Papers, No. 3. p. 128. † Ibid No. 3. p. 128.

of the Nabob's country, in some bounds of government, and prevented its revenue from experiencing any important decline. Colonel Scot has given an estimate of the jumma of this district at 65 lacks of rupees; but its correctness he declines vouching for*: if it was confined to Korah Kurnah, and Etawa, it appears by an account afterwards taken, and of greater authority, that it amounted only to 55½ lacks, at which latter sum let it be here taken. But at this period the infirmities of old age had already impaired the abilities and vigour of Almas, and it was doubtful whether he would retain his contract even for the ensuing year. When his strong controul should be removed, the collection of the revenues would fall under the superintendance of others. The Nabob had no known equal to replace him; and every thing relating to the administration of those districts, and their revenues, would most probably be involved in the same confusion that prevails in the rest of the Nabob's dominions.—

It may be urged as probable that this reduction of the revenues of the Doab would take place by degrees: yet these would not be very slow degrees; and the sudden removal of that commanding spirit which for

* E. I. Papers, p. 208.

many years had held the reins of government with so firm a hand, would instantly produce great effects, in a very productive and great country. In a few years, under the administration of the Nabobs of Oude, the jumma of the Rohillas country had been diminished 10-18ths: let it be supposed that that of Saadut Ali, in about the same period, will be only half as fatal to the present income of the Doab; or that it will be reduced 5-18ths: the diminution of the income, in no very long period, will be 15 lacks 41,000 sicca rupees. This proportion had before been supposed to take place between the fall of the revenues of Rohilcund, and the average rate of the remainder of those of the Nabob's dominions *. But how sudden and how fatal the effect on the income of a district, the transition from a good administration to that of the Nabob may be, this example will show.—The revenue of Rehen, when ceded by the Rohillas to the Nabob in 1794, was 10 lacks: in little more than three years its amount, under the new administration, was so reduced as to be barely four †; and that of Saadut Ali is more relaxed than that of Asoph ul Dowlah was.

By the removal of the government of Almas, and the substitution of another so dis-

* Defence, p. 94. † E. I. Papers, No. 2. p. 40.

jointed in its fabric, as the Nabob declares his own to be, a great part of the fall, to be expected, must take place immediately. Thus the past decrease of the revenue, and that for a long period of years, has been evidently shown, and the probability that it must still continue to fall ; and a circumstance, suddenly to increase that fall, pointed out from the printed evidence : the approaching death of Almas ; which, at the time of the treaty, particularly called the attention of the British Government to the general fact, and to the necessity of making provision against the consequences which must ultimately follow from it, affecting its own interest and stability.—

The remedy provided by the treaty of 1798 for this case, must now be examined. It has been proved that the Company were judges of the number of forces permanently to be stationed in Oude; specific provision is made in the treaty for the payment of the subsidy for 13,000 men ; and for its reduction, if that force shall be reduced below a certain number: and by parity of reason it follows, that when it became necessary permanently to encrease that force, the subsidy was to be increased, and paid in the same manner as in both the former cases, by monthly instalments or kists. For the increase of the annual subsidy on all permanent augmentations, is effectually provided for by

the 7th Article of the Treaty; and the mode and times of making such payment should be the same as that held out by it for the payment mentioned therein, unless just cause can be shown to the contrary.—

By the 11th Article of the treaty, if the payment of the kists should "fall into arrear," the Nabob engages that he will then give such security to the Company for the discharge of *the existing arrears* * as shall be deemed satisfactory. Before I proceed, I draw one consequence from these words: if the cause of the existing arrears be permanent, the security to be given must be on a permanent subject; and the annual decrease of the revenue is permanent.—

The security to be given is described in the most general terms, that it shall be satisfactory. The meaning of the term satisfactory security must be accurately fixed: that engaged to the Company, by the articles of Benares, was "an assignment of a tract of coun-"try to the Company in proportion to any de-"ficiency in the payment of the stipulated "subsidy †." Under this assignment Lord Teignmouth understood to be conveyed, the civil and military government of the territory ceded ‡. It appears also, by his subsequent

* E. I. Pap. No. 1. p. 21.

† Id. ib. p. 22. Minute of Sir J. Shore.

‡ Id. ib. p. 23. l. 1, 2.

remarks upon that article, to have occurred to him, that in case of a failure of payment, land might also be taken as a security for the payments of the whole subsidy *.—

His lordship, as has been observed on a similar occasion, is the best authority for the sense the parties put on the articles of the treaty. In his evidence relating to it, speaking from memory he says; "he thinks that "every article" of the draft of the agreement, presented to Saadut Ali at Benares "was ac-"cepted by him †." He had, when the business was recent, affirmed with certainty, that "no alteration" to any one which was "admitted in the definitive treaty, "was sug-"gested by the Nabob ‡." But its terms, stipulating that on the failure of payment here considered, the Company should receive "se-"curity which should be deemed satisfac-"tory," that is *by them;* go further than the article which limits it to territorial cession only: it includes that, and all others: "The "nature of the security is left at their option." And the same satisfactory security was to be given at such a time, not only for "the existing arrears," but "the future regular payments of the kist §." That the engage-

* E. I. Papers, No. 1. l. 15. † Minutes, p. 7.

‡ E. I. Papers, No. 1. p. 23. Minute of Sir J. S.

§ Ibid. p. 21. Treaty, Art. 11.

ment that the Nabob should give satisfactory security, included that of security on land, if claimed, Lord Teignmouth was fully sensible. And he appears not entirely to have relinquished the idea that it might be found eligible. The power to claim it when the case should occur, he veils from the public eye, on account of an "unpopularity," he supposes would attend it, and the apprehension it would excite if it should directly appear on the face of the treaty. It will be afterward seen that there was little occasion for this caution.—

The only consequence which I shall deduce from this is, that an arrear having been incurred, and the resources of Oude rapidly declining, the Company's government had, even under the treaty of 1798, a right to demand a cession of territory in lieu of the subsidy, especially if the commutation should become highly expedient to both parties.—

It is of little force here to show that the opinions of our countrymen were, that in the case of arrears incurred, the Company had a right to demand security in land*, but an account of the succession of sentiments which the Nabob displayed on this subject, and his conduct throughout the whole affair, better deserve at-

* Minutes, p. 33.

tention. When the claim was laid before him in plain terms in the articles of Benares, as we have observed before, he acceded to it. During the negociation of the treaty of Lucknow, he did not apply for any alteration to that stipulation. And in the corresponding article of that treaty, which he regularly executed, he gave to the Company the option of all possible securities. When the demand for the arrears, and security for future regular payments of them, was urged upon him; he himself described the nature of that which should be given in the following words, in a letter to Colonel Scot: "Let assets be pointed out "and fixed once for all, for the realization of "what it is intended to demand: so that "henceforth all cause of anxiety upon that head "may be removed for ever, and no question of "increase nor any alteration ever after arise*:" it will be seen that no asset adequately answers this description but land.—

The sentiments he expressed, and his measures next took a contrary direction: the rapid decline of the resources of his country had before been constant subjects of his complaint: but he found that this furnished the government of Bengal with an invincible argument to press him for a satisfactory se-

* E. I. Pap. No. 3. p. 190.

curity for the subsidy before these resources were entirely exhausted; for under his administration this ruin had advanced with an accelerated celerity.—And now "without any increase of power, without any additional "means of action, without any change of principle or practice; his Excellency at this moment suddenly announced an expectation of "ample profit, by bringing the country into a "flourishing condition *." From this indication of opposition, we come to his offer to accede to the required cession, on certain terms not expressed; but which he was to bring forward on a future day †. In due time they were produced: what was couched under their general expressions, was so clearly, at first, understood by the resident, that the confidential agent, employed by the Nabob to treat on these terms with him, the Molavy Suddun, avowed what he suspected of the principal object of them to be fact †. But I must give what is here to be said of them in the following excellent summary, which a comparison with them fully bears out: "Their object appears "to be under the shelter of the British name, "to degrade and plunder the ancient and ve"nerable remains of the family and household "of Sajah Dowlah, together with whatever is

* E. I. Papers, No. 3. p. 197.

† Id. ib. p. 202. May 4. 1801.

" respectable among the surviving relations " and servants of the late Asof oo Dowlah; " and involve the whole nobility and gentry of " Oude in vexatious accusations and extensive " proscriptions: to deprive the established de- " pendants and pensioners of the state of the " means of subsistence, to frustrate every in- " stitution founded in the piety, munificence, " or charity of preceding governments, and to " spread over the whole country a general sy- " stem of rapacious confiscation, arbitrary im- " prisonment, and cruel banishment.*"—

The principal object of the Nabob's rapacity was the possessions of the venerable relict of his father Sujah ul Dowlah; and to strip her of them in the extreme of old age, a pretence was set up, that before his death vast treasures had been deposited in her custody by him; the legal property of his successor on the musnud†.—Such were the vile terms on which this Nabob offered to sell the territory, the unconditioned cession of which, in the existing circumstances, was then demandable by us, on the terms of the very treaty by which he held his dominions. But he was taught to lay aside his mighty projects both of rapacity and the revenge frequently united in natures like his own; when the brother and more immediate

* E. I. Papers, No. 3. p. 216. † Ibid. No. 3. p. 216.

representative of the Governor-General together with the resident shew him, that nothing remained but to make his choice; either to fulfil the letter and spirit of the treaty, what his own interest truly understood, and the interest of the Company, and the happiness of the inhabitants demanded, by making the cession to be acquitted of the subsidy; or to submit to the forfeiture incurred by his breach of it by this refusal, by his not reducing his troops, and his hostile conduct when the demand was made upon him, that of the protection of the Company.

But I return to the security. The conditions and nature of such an obligation, which ought to be deemed the most satisfactory to those by whom it is exigible, are these—that it be firm:—that the sum secured be received by the superior state with the least trouble, and with no expence to itself: and, lastly, *with less charge and diminution of the decreasing income of the indebted state, than in any other mode in which such security can be given.*—

In cases like that considered, where the revenues of a country have been yearly declining, and every probability points out that they must still continue to decline; no firm security can be given for the payment of a constant subsidy except by the cession of ter-

ritory: nor would that be sufficient, unless the better government of the power to whom the cession is made, be able to arrest the progress of that decrease in its new acquisition.

Of other securities there are three only; the private treasure of the prince, which he may make a collateral security; an engagement to make good all deficiencies of the annual amount of the payment by the shroffs or bankers; and a mortgage upon part of the Nabob's dominions. The treasures of the prince can be no firm and perpetual security, as they will come by the drain of a succession of years to be ultimately thus exhausted: they must also remain in his own disposition: and they may be buried, or pretended to be totally expended; one of which would be the resource of Saadut Ali: or they might be suddenly dissipated by a profusion like that of his two predecessors. Besides, it will be afterward seen, that such a sacrifice on the part of the Nabob would be more fatal to the interests of his country than to his own: for it will be then proved, by what I flatter myself will be full numerical demonstration, that in the case here stated, if he shall go on even for a number of years making these supplemental payments, he will not in the interval have aided his country by a single rupee so expended: and when the termination of his misguided efforts shall come, and the cession

take place; the reserved territory will be much less than if he had kept his aids in his treasury, met the first occurrence of the necessity, and made the cession at the beginning of the term. The consequence of which is, that the revenue of the reserved dominions will be much less at the period in which the later cession is made, and perpetually afterwards, than if the measure had been embraced at first: for the income of the whole territory declining every year, greater cessions become every year necessary to compound for the same subsidy and after the end of many years they must be much greater. This is enough to have said on this point at present; but it will require a further elucidation.

Another security to the subsidized state, which has been considered as possible, is that of the shroffs or bankers. But this cannot be obtained on a revenue at first barely equal to the charges of government and the subsidy, but continually decreasing: for the most necessary charges of government, added to the subsidy, must almost immediately afterwards come to exceed the receipts of the treasury. The former are so imperative that they must be provided for; and this in the present case will be done by a diminution of the payments for the subsidy; which the shroffs, as securities, will be called on according to their con-

tract to make good. But from what fund are they to be paid this advance to the state? No surplus of the next year, on the equality of chance, will make good its own payments and the defalcations of the present: on the contrary, the revenue will be further decreased, and the second arrear of the subsidy become greater than the first. It may be said that they will consent to fund these loans; but by the supposition the government cannot increase its revenue, and it is already unequal to the yearly demands upon it: no fund therefore can be constituted to pay the interest of these advances. Beside, bankers will grant no loans to a government, the frame of which, it is well known, threatens to fall in pieces every day, the description the Nabob gives of his own—this is a public credit; and public credit cannot exist, under governments notoriously below the ordinary degree of stability.—

The second species of security to be considered is the mortgage of a certain portion of territory. Lord Teignmouth, after some consideration, rejected this mode with great decision; and I should be happy here to have given his Lordship's reasons, if they had been recorded in his minutes on the treaty of 1798, such, however, as occur to me shall be here stated. It is not to be supposed that the initial clear income of the mortgaged territory, will

much, if at all, exceed the subsidy; but it cannot be admitted to be privileged from the general fate of that of the remainder of the state: like that it will fall, and it must be so supposed to do with the same celerity; it, therefore, never can be a satisfactory security, because, in a short time, it must become inadequate. Beside, this country being only mortgaged, not ceded; it will remain under the Nabob's government, and the collections will be made by his own officers: he and his ministers, or his confidential agents, if he employed none, will pay much less attention to their frauds on this mortgaged revenue, than if it were to come into his own treasury. And the clear amount of the income of the territory would fall with greatly more rapidity than that of the neighbouring provinces.—From this it follows, that satisfactory security for the subsidized state can only be sought for in absolute cession of territory.

The second condition rendering a security for a yearly subsidy satisfactory, is, that it be received by the superior state with the greatest convenience and the least loss: this in itself follows the principles of absolute justice. But if it be fact, as it shall be shown that it is, that the plan of such a cession most conformed to this condition will produce a less diminution in the income of the declining state, than will follow the

grant of land, the only satisfactory security, in any other: in that case, the mode and the time of making it which shall in such manner best fulfil this second condition, will answer every claim of liberality as well as of strict justice.—

That territory should be ceded for security, when the payments of a tributary power are gotten into arrear; is a remedy so very naturally suggesting itself to the mind, that when Lord Teignmouth drew up the articles of Benares, no other appears to have occurred to him. On subsequent consideration he determined to leave the power of demanding the cession of territory to the Company in the definitive treaty, by general words only; from which it might be, if in future they should judge it necessary, legitimately inferred to be vested in them; but not to stipulate for such cession in direct terms. He had come to entertain some objections to it, and thought an "extreme unpopularity would "attend its exaction,"—"and apprehensions "would be generally excited at the publication "of it*." This seems to have turned away his attention from that fuller consideration of the practicability of this measure when duly modified, if ever it should become necessary, which he doubtless would otherwise have given it.—

* E. I. Papers, No. 1. p. 23.

He seems to have here estimated the unpopularity of the exaction, at least, at much above its probable degree. At the extent at which the cession has actually taken place, the jumma of the ceded territories is 1 cr. 35 lacks, 23,000 rupees: the only districts of the former dominions of Oude included in the surrender, are Azen Ghur, and Goruckpoor*: the total jumma of both is 12 lacks 05,000 sicca rupees†. The remaining ceded countries, the income of which is 1 cr. 23 lacks 18,000 rup. were recent British conquests; and by us conferred on the family; a fatal gift to the inhabitants of these provinces, reckoned among the finest and richest in all Hindostan; involving them, as has been shown, in oppression, misery, and anarchy. To avail ourselves of a just occasion to undo the unhappy effects of our precipitate

* E. I. Papers, No. 1. p. 44.

† It deserves to be noted, that, as the jumma of the old territories of Oude included in the cession, amounts to 12 lacks, 05,000 sicca rupees only, and the present charge of the military establishment of the Nabob, is about 11 lacks‡; the total of these sums being 23 lacks; if we compare his situation with that of his predecessors, before the provinces were given to them which are now ceded back to the Company; it will appear, that for the charge of 23 lacks a year he has gotten rid of the total expence of his army on the establishment it then was, and the subsidy then paid: and this difference I regard as the true value he becomes possessed of, in consequence of the original donation and subsequent cession conjointly.

‡ Defence, p. 100.

liberality, was not to be regarded as unpopular among the inhabitants of India in general, "who migrate into the Company's territories "from the contiguous native states, for the ex- "press purpose of enjoying those laws, that "government*," under which the ceded provinces are now placed. Nor will those who exercise sovereignty in India, regard this change with much jealousy, as making any considerable augmentation to our power. "The go- "vernment of Oude, in the opinion of the na- "tives of the country, was considered as a de- "pendency upon the English."—"It was held "by them as a gift of the Company to Sujah "ul Dowlah†," and the act of Scindia, referring

* E. I. Pap. No. 3. p. 212.

† If we be to consider the title of Saadut Ali as hereditary, (contrary to the constitution of the Mogul Empire as established by its legislator Akbar,) the inhabitants of India date it from the treaty of Allahabat in 1765: making Sujah ul Dowlah the first acquirer or conquestor of the title, under which the present Nobob alleges himself to hold: therefore his claim of an uninterrupted title in his family, already subsisting for nearly one hundred years‡, is contradicted by the received opinions in India on the subject, and by these we ought, as far as possible, to guide our own. And their reasoning seems conformable to the law of nations: Sujah ul Dowlah having been defeated at the battle of Buxar, himself made afterwards prisoner, and his dominions conquered; by the right of conquest they vested in the conqueror: his title ceased, acquired first (on the supposition we

‡ E. I. Papers, No. 3. p. 62.

the investiture of Vizier Ali by the Mogul to the Governor-General, fully indicates that to have been his opinion also. This representation has the authority of Lord Teignmouth † : and the assuming the direct dominion over a part of one of our " dependent fiefs ‡," as the Nabob's country is held throughout India, is an event which will not be surveyed by the country powers with much emotion. Our conduct likewise, in demanding a cession of territory, can excite *apprehensions* only in those who stand in similar circumstances ; powers who by treaty are obliged to pay the Company a constant subsidy for constant protection ; and whose revenues having been decreasing for a long course of years, plead inability to com-

gratuitously go upon) by Saadut Khan the Persian; who was the first of the family appointed Nabob of Oude, but during the pleasure of Emperor: for until after the death of the great Aurengzebe those officers were not hereditarily conferred.

I would not be misunderstood: in the appointment of the successor to a Nabob by the Company, the office *ought* to be considered by them not *as* hereditary, but *as if* hereditary: for the man to be appointed by the Indian government should be determinately pointed out to them by some known rule: if it were left totally open, venal elevations to the Musnud would be too frequent, and always suspected. It is a law we have duly imposed on ourselves to fix the mode of election, and render its purity matter of notoriety; but not transferring or implying right, or the shadow of right, to or in the elected.

† E. I. Papers, No. 1. p. 15. ‡ Id. ibid.

ply with the terms of their respective treaties. When an example of this kind is produced, it may be considered.—

But the fear of this unpopularity, and the reluctance to excite these apprehensions, seem almost to have determined Lord Teignmouth against security upon territory: and therefore he did not enter at full into the modes, in which it could be rendered satisfactory for the due payment of the subsidy, when it should run into arrear. Two, indeed, he states and rejects as ineligible: one a mortgage for the whole amount, which has been already examined, and shown so to be: the second is, "the assignment of a tract of country to the Company proportioned to any deficiency in the payment of the stipulated subsidy *," which "must be followed by the appointment of civil "officers and the assistance of a military force to "carry it into effect †." Or, in other words, when such assignments are made, the military occupation, and civil government of the country, must be vested in the Company. These two modes considered together, indicate the existence of a third, required to make the enumeration complete; which is not mentioned by Lord Teignmouth: that is, that when the subsidy runs into arrears, the security by assignment or cession

* E. I. Papers, No. 1. p. 22. † Id. ibid. p. 23.

to be given should be for the whole amount, and in lieu of the entire subsidy: in this particular only resembling the mortgage security, as described by his Lordship; and that for the proportional assignments for particular arrears, in the circumstance of the civil government and military possession of the tract ceded, being given up to the Company: which latter is necessary in India, where the revenues cannot be collected without an armed force. When the subsidy is for a term of years, the security is properly called an assignment: but when it is by the conditions of the treaty perpetual, the assignment, the duration of which would be equal to that of the subsidy, and be attended by the civil government and military occupation of the country, becomes a full and absolute cession, by the nature of the thing, without the act of the parties.—

The reasons given by Lord Teignmouth against assignments, proportioned to the deficiencies of the subsidy, are perfectly valid: and when particularly applied to a country in the situation in which it has been shown that the dominions of the Nabob actually are, they acquire a new force from it.—

Some description must be given of the general fall of the public revenue in Oude, and of the irregular oscillations of its amount, which may seem in particular years to contradict this

fact, as the question of partial assignments turns much on the consideration of them. The sum of the expence of government, and the subsidy taken together, may be called the adequate revenue; and hereafter those terms will be used in that sense. And if we suppose some surpluses formerly existed, if the public income is perpetually on the decrease, the period will come when first it will be no more than an adequat e revenue: it then afterwards, if successive averages of a due number of years be taken, will be found to fall below that amount; and the defalcation, so discovered, will be continually increasing. But, from the nature of the subject, this decrease will frequently not be discovered from the comparison of two successive years; the second often exceeding the first. For the revenue of Oude, being chiefly derived from the immediate product of the soil, will vary as that varies; subject to some small modifications from the state of the altercation between the general body of collectors, and the Ryots in that year. Hence in a year when the seasons are unfavourable, it will fall greatly below the real, although decreasing, average of the period; when favourable it will exhibit a false appearance of the return of public prosperity: and the real state and decline of the revenue will only be seen in years when the seasons are of the average goodness: and from that of two

such years, at a due interval from each other, some kind of estimate may be formed of the variation of the period. In the intervals between every two of such years, the revenue will rise and fall, to borrow a phrase of Sir James Stewart, "*per saltum*, by jerks." But the highest products in successive periods will be found to decrease in the same manner as those of the average years.—

Hence as the annual deficiencies of the subsidy will be liable to such irregularities and variations, it will be difficult to proportion the assignment thereto. In a year of scarcity they will be great; but suppose two or three to succeed each other, the assignment made in the last will be of an amount which will much more than make good the arrear, and on the equality of chance the average of those of some years to come: an injustice to the indebted state.—

But in strictness it may be asked, how is the direction that a tract of country is to be assigned to the Company in proportion to a deficiency to be understood? Is it that its annual product is to make good the deficiency in the next year? In that case, if the following be a productive season, at the end of it the Company will be obliged to withdraw its civil establishment from the tract assigned, and march back its military force. On the contrary, if the next year prove less productive, there will

be a new convention to be negociated for a second assignment: another small civil establishment to form, a small military force to send with it: and perhaps in the third year the product of the whole state being exuberant, these must be all withdrawn, the arrears being cleared.—

But, to prevent these perpetual transfers and restorations, the proportional assignment may be made perpetual. This may be effected in two modes; the first is as follows: for the arrear of the first year, an assignment of territory may be made of such yearly amount, that the perpetuity of the income shall be equal in present value to the arrear of that year; or the yearly clear territorial income become equal to the interest of the debt so incurred. But these assignments, with their very small civil and military establishments, would, in course of time, become greatly multiplied in number, and each the subject of a petty convention: they must therefore be rejected. The second mode of a perpetual assignment for an arrear is, that the yearly value be made equal to its amount, increased by its interest for one year*; and that there annually be abated from the subsidy in future a sum equal to the arrear only. And if the neat

* The arrear must be taken as a perpetual debt, otherwise there must be a double payment at the end of the first year of the compact: and nothing being received until the arrear has existed one year, a year's interest will then be due upon it.

income of the assigned lands, taken from an average of a due number of years past, be equal to the arrear, thus increased by its interest for one year, together with the charges of its civil and military government; and by improvements in the administration of its acquired territory, the Company be able to continue it at that amount; so far there will be no cogent objection to this mode on their side, arising from the apprehension of loss.—

But notwithstanding that thus far something like satisfactory security may be had by the Company in this mode, yet there are objections attached to it which cannot be removed: the rapid decline of the revenue will make those assignments very frequent: for arguing on the assumption before laid down *, that the diminution of the income of the remainder of the Nabob's dominions, during the last 24 years, was at one half of the rate of that of Rohilcund; that is 5-18ths of its amount at the begining of the term; the fall being taken at an equal rate per cent. every year; in 51 years and a small fraction †

* Defence, p. 93.

† 1. Not to embarrass the text, and the reasonings relating to it, which run to a considerable length, with an arithmetical process,—it is given here; and the result only above. Others must be had recourse to in the remainder of this tract, of all of which also an account will be given in this note; as they form only the successive steps of a single train of computations, and placing them thus, will avoid many repetitions.—

from the date of the last treaty, the revenue of Oude will have fallen to one half of its then

In the 9th and 10th pages I have flung together all the notices I could find on the decrement of the revenues of particular provinces of the Nabob's country. It is a consequence of what is laid down, that their total fall in about 24 years was 5-9ths of their original amount †. It is every where in the documents before me said, in general but strong terms, that this fall throughout the whole country, was of the greatest magnitude; and Lord Cornwallis affirms it to have been "beyond all conjecture." The instances selected to be given, are without doubt among the most remarkable, but it may very well be taken, that the decrement of these provinces did not exceed the double of that of the income of the whole state; which, therefore, may probably be estimated to have been 5-18ths of its original amount; an assumption proceeded on before, and to be retained throughout. After what is said of the universal state of the revenue, this assumption seems to give a very moderate measure of the reduction, when its yearly rate comes to be determined, as will be then attempted to be shown. It is admitted here to be an arithmetical assumption, but such a one as is made on the most simple and customary grounds, that its results may be modified *ad veritatem imutandam*. Assumptions thus made, at least have always one great use; they illustrate an arithmetical argument, which is better comprehended by the introduction of them, than if abstract propositions only be employed in it. And their consequences may thereby be carried to a considerable length with much less fatigue to the attention. The nature of the reasoning from them is also such, that if the absolute decrement of the revenue of Oude were known, all the conclusions deduced from it would hold good, *mutatis mutandis*.—

2. The original income of the state being taken as above, to have been as 18, was become at the time of the cession as 13; the ratio of the fall which had taken place in 24 years. Now

† Defence, p. 93.

existing amount. Let that of every part and province of the country be taken as it ought to

$18 = 13 \times 1{\cdot}3846$, or $13 \times 1{\cdot}0136^{24}$: and the decrement of the revenue being taken at an equal rate per cent. yearly, that rate was £1·36 per cent. or £ 1 : 7 : $2\frac{1}{2}$.

3. No parallel instance occurs to me to produce to confirm the moderation of this rate: but probabilities sometimes receive support from contraries as well as parallelisms. From the representations that we have of the progressive decline of the revenue of Oude, from the flourishing state in which it was left at the demise of Sujah ul Dowlah, to the point of depression it had reached in 1801, under Saadut Ali; no one can doubt but that the annual celerity of its fall, was greater than that of the increase of the amount of the permanent taxes of Great Britain, in the period, from the beginning of the year 1785, to the end of 1802; or in any seven years included in the term. This, I believe, is the only period for which any accounts, from which it can be deduced, exist, or at least are printed. Mr. Rose, who has published them, has divided those years into two periods of seven and the last of four: and of these he gives the average so, that the middle term of time of the first, is $12\frac{1}{2}$ years before that of the last. The average of the first period is £12,854,000, of the last £15,009,000: now £15,009,000 = £12,854,000 × $1{\cdot}1676$ = £12,854,000 × $1{\cdot}01247^{12\frac{1}{2}}$. The average rate of advance per cent. was therefore (£1·247) £1 : 4 : $11\frac{1}{4}$. The rate of decrement here assigned for the income of Oude is £1 : 7 : $2\frac{1}{4}$. In the first year of the first period of seven years, the amount of those taxes was £12,104,000, and in the last £14,132,000: now £14,132,000 = £12,104,000 × $1{\cdot}1675$ = £12,104,000 × $1{\cdot}0261^{6}$: and the yearly ratio of increase (£2·61) £2 : 12 : $2\frac{1}{4}$. And a ratio approaching so much nearer to the lower than the higher of the two, cannot without absolute and strict evidence of the fact, be charged as erring in excess: especially if we

be, to have fallen for that period in the same proportion, and the revenue of the state to have

take along with us this general truth, that states and the resources of states generally fall with more rapidity than they rise.—

4. The old income of the dominions of Oude is by the assumption taken to have decreased with much less celerity than that of the provinces conquered by us, and by our gift afterward annexed to that state: therefore its annual rate of decrease must something fall short of the mean rate of the fall of the income of both above assigned. A single instance only has been remarked in the East India Papers, in which the actual annual fall of a province of the old dominions can be discovered: it is that of Goruckpoor; and it is among the cessions. Lord Cornwallis states its revenue formerly, that is, at the death of Sujah Dowlah, to have amounted to 12 lacks of rupees: in 1801 it was reduced to 5 lacks 09,853 sicca rupees; it therefore decreases annually at the very high rate of (£3·63 per cent.) £3 : 12 : 7¼ per cent., little less than three times the rate of general depression arising from the original assumption.—It is the only instance perhaps discoverable from the papers by which the decrement can be determined. The number of all those existing in the old dominions—and no suspicion can arise out of it, that the rate followed, £1 : 7 : 2½ per cent. is exaggerated. In researches of this nature arithmetical assumptions or hypotheses must almost of necessity be sometimes advanced: but if those assumptions or their consequences contradict any known fact or probability of the higher order, they must be abandoned. And when they are laid down to illustrate a point of importance, it is necessary to show that they neither, *prima facie*, contain, or by legitimate deduction lead to any such repugnancies. This necessity has been one occasion of running this note to an extraordinary length—the impression the general language in the documents, and these com-

been equal, at that time, to the charges of government, and the subsidy, or the adequate

parisons tend to make, is, that the rate of yearly decrement 1·36 per cent. is rather too low than too high. The idea suggested by the former is, that the fall amounted to 2 or 3 per cent. yearly. Not knowing that there exists any table of discount at so low a rate as £1·36 per cent., a necessity seemed imposed upon me of going into these explanations.—

5. After this confirmation of the moderation of the rate of decrease, its consequences are to be drawn. If 1·0136, the 24th root of 1·3846, be raised to the power of 51·119, it becomes equal to 2, wherefore if an assigned income be decreased every year, at the rate of £1·36 (£1 : 7 : $2\frac{1}{2}$) per cent. it shall, in $51\frac{1}{9}$ years, be reduced one half; consequently an income of 126 lacks, will in that period be reduced to 63.—

6. Every part of the income of the declining state, according to the equality of chance, is to be taken to decrease in the same proportion, in the same time: therefore the initial income of any such part being taken at 126 lacks, shall at the end of the first year be reduced to $126£ \div 1{\cdot}0136$, or 124 £ 30,000 sicca rupees, and the fall be 1 £ 70,000 sicca rupees, and at the end of the second year to $126£ \div 1{\cdot}0136^2$, or 122 £ 62,000 sicca rupees, and the decrease at the end of the second year be 3 £ 38,000.—

7. It is useful for what is to follow to continue the series of these operations a little further. At the end of the third year the part of the revenue of the state, which can be applied to the payment of the subsidy, will be reduced to $126 \div 1{\cdot}0136^3$ or 120 £ 9700 sicca rupees; and the fall of the year shall become 5 £ 03,000 sicca rupees.—

8. At the end of the fifth year the revenue shall have fallen to $126£ \div 1{\cdot}0136^5$, or 117 £ 74,000 sicca rupees; and the annual decrement become 8 £ 26,000 sicca rupees.

income, and no more. The old and new subsidies, before the treaty of cession, amounted jointly to 126 lacks: and a territory producing that neat revenue, will have fallen in 51 years one half that sum, or 63 lacks.—And such must be the fall of the subsidy, if it should not run into arrear with more rapidity than the public income decreases, which will probably be the case, if new assignments be not perpetually insisted upon when new arrears of some certain amount first take place. For the wants of government are so imperative, that no more than its share of the decrease of the revenue will be

9. And in any year during the period, when the revenue shall exceed the adequate income, or in the course of the decrease become equal thereto, or have fallen below it; a district, the revenue of which is 126 lacks of rupees clear. At the end of ten years the revenue shall have fallen to $126 £ \div 1{\cdot}0136^{10}$, or 110 £ 02,000; and the fall become 15 £ 98,000. And, finally, at the end of fifteen years, the revenue shall fall to $126 £ \div 1{\cdot}0136^{15}$, or 102 £ 81,000; and the decrement amount to 23 £ 19,000. And this is true of the income of any district, which, in the first year of either of these periods, produced a clear income of 126 lacks.—

10. It is of use to notice the converse of some of these conclusions. A territory which at the beginning of the first of any term of years would have been adequate security for a subsidy of 126 £, 127 £ 72,000, 129 £ 46,000, 131 £ 23,000, 134 £ 83,000, 144 £ 29,000, and 154 £ 41,000 shall at the end of 1, 2, 3. 5. 10. 15. years, be respectively no more than adequate security for 126 lacks.

imposed upon the fund for them, until the last experiments be tried to prevent it; or more than the sum proportioned to the remaining annual supply for those services, although perpetually diminishing, be paid in part of the subsidy: but even that exceeds what in the case supposed could be expected.

From the assumption immediately before made, we may form an idea of the frequency of these assignments: the arrears of the subsidy, to arise from the causes last mentioned, at the end of the first year, must, at least, be 1£ 70,000 sicca rupees. Now this sum, increased by its interest for one year, which is taken at 12 per cent.*, will amount to 1£90,400 sicca rupees; for the security of which a cession of territory may be demanded, producing that sum clear, all expences paid; and 1£ 70,000 sicca rupees, part of the amount of the subsidy, be remitted. But the creditor state may decline annual transactions of this sort, and put off the settlement until the close of the second year; when the arrear will become 3£ 38,000 sicca rupees: and at the end of the third year, when the first payment from the ceded territory shall come in, it ought to receive that sum; together with 20,400 sicca rupees, one year's interest of the

* The rate offered by the British government at Lucknow for the advance of £ 100,000. Minutes, Major Ouseley, p. 66.

arrear of the first year, and 60,960, interest of the two in the second year; in all 4£ 19,360 sicca rupees, perpetual income for arrears and interest due; the subsidy to be paid in future being reduced by the simple arrear 3£ 38,000 sicca rupees. But it is not to be supposed that the forbearance of the demand for satisfactory security will be delayed any longer, than until the annual income of the land to be ceded shall have amounted to about 4 lacks.—

The yearly arrears of the subsidy, generated, as explained, form a decreasing series. Thus in the two first years these arrears, taken without their interest, amount to very nearly $3\frac{1}{2}$ lacks; but in the four years commencing nearly with the 52d, the total shall not exceed that sum. Wherefore in the beginning of the 51 years these cessions must be very frequent, but toward the conclusion of that period take place at longer intervals. If the arrears, without interest, should be suffered to proceed to increase until they amount to about $3\frac{1}{2}$ lacks, the number of cessions in the term of 51 years, would be about 18: and there would be a new treaty of cession to negociate, the limits of the ceded country to be set out, perhaps by commissioners on both sides; and a new petty civil and military establishment to form, in somewhat less than every three years. The execution of a plan so complicated, with a

number of biennial conventions, and other intricate operations at the beginning; would hardly be persevered in, if inadvertentely entered upon.

I come now to the last mode of security by territorial cession, which has been described before; and is not among those deservedly condemned in the official paper of Lord Teignmouth. Here the neat income of the lands to be ceded is to be made equal to the whole subsidy; and the best time in which a treaty for that purpose can be concluded, is in some part of the year, at the end of which the revenue shall become adequate, if not done before: as in the following, the decrease of the revenue, taken at its average rate, 1·36 per cent. in every year, will have caused the first arrear in the payment.—

At the first mention of this security it will be eagerly replied, "Grant that on the "equality of chance, there shall be the emer- "gent arrear stated at the end of the first year, "constituting a real debt: can you expect se- "curity for that and all future failures, more "than a year before the first occurs? Nay, fur- "ther, when the next payment of the subsidy "is, according to the arithmetical assumption, "fully secure to the Company? An assump- "tion so broad, that it takes in difficulties "which have been endeavoured to be fully ne-

" gatived, in what will be undoubtedly called
" an antecedent statement of facts in this very
" case. Beside, if such security be demanded
" a year, or even a month, before the existence
" of an arrear appears; on the same pretences
" it may be exacted at any period of time before.

" Beside let the very arrear 1 lack 70,000 sicca
" rupees* have taken place at the end of the
" first year, according to the assumption; the
" rate of interest in India, being 12 per cent.
" as before taken, one year's interest of the
" whole subsidy, 126 lacks, will amount only to
" 1 lack 51,200 sicca rup.: this arrear therefore
" is little more than equal to one year's inter-
" est. And what headlong rapacity ever sought
" to seize on land for a deficiency in the payment
" of the rent charge of a single year, in amount
" little more than equal to the interest of it?
" And land in yearly value equal to the whole
" of that charge? Thus insatiably to grasp at
" new acquisitions of territorial dominion under
" the pretence of monied security, and a pre-
" tence so weak; under a mask—of what? of
" usury: and that put on as a decent cover for
" usurpation; is dishonourable to our national
" character. If it should be necessary at last to
" come to this extremity: we ought at least to
" have waited, until the magnitude of the amount
" of past arrears would have justified the demand.

* Note † Defence p. 175, Art. 6.

" And surely four or five years would not have
" been too long a period to have interposed,
" between the first relatively small failure, and
" the having recourse to so strong a remedy."

I have given, as fairly as I could, the objections which the opponents of Marquis Wellesley will advance against this measure. But it is not always that conclusions which pass currently for abstract arguments in good form, on subjects the real nature of which is arithmetical, are in concurrence with the legitimate deductions from it. In answer to all those given above, the following propositions are laid down, the proofs of which, after a little prefatory matter, shall be immediately entered into. The declining income of any state (as that of Oude) becoming barely equal at the end of the existing year, to the charges of internal government and the subsidy due to a protecting state for defence against all foreign and domestic enemies, so that the former is in war and peace exempted from the charge of a military establishment; and that revenue having for a long period past decreased, and still continuing to decrease on the yearly average, at an assigned rate per cent; which decrement therefore must be arithmetically taken to go on yearly without variation: if, in such a situation of things, and such a point of time, the protecting power, in this case the English government in India; confiding in its superior management of its pro-

vinces, and its past good fortune arising from it, will consent to commute the subsidy for a portion of territory to be ceded to it in full dominion; the clear income of which, at the first payment, shall be equal to the subsidy; but which under the old government would be liable to the common yearly rate of decrement; as the protecting state will (whatever delay from erroneous principles it may be induced to make) be obliged either at that period or ultimately, to exact a territorial cession as the only satisfactory security for the whole; I say that the cession, if made in the first instant, will convey to such state the least possible portion of the territory of the other: or that the dismembered part shall be, in that and in all future time, what is called a minimum.—That this measure will be followed by no diminution of the income of the ceding state, at the end of the year in which the compact is made; but at the end of the first year after, the sum it will receive applicable to the expence of internal government will, *cæteris paribus*, be greater, than if the proposed cession had not taken place: and that this difference in its favour will be increased in every subsequent year, it being taken, as it ought to be (until due cause be shown to the contrary), that the charges of internal government in the ceded and the reserved countries were severally proportioned to the clear income of each.—And that it follows that the time

defined was the best for the Company to demand the cession, supposing it to act with an attention solely directed to the pecuniary interest of its tributary; and for Oude to concede it. And that the early proposed requisition could not originate in any desire of the English government or the Governor-General, to enlarge the the Company's territory; a delay in the demand being the proper mode to effect that purpose as the cession of necessity to be ultimately made, must so have been greater.

It is said that if a cession may be demanded a year or even a month before an arrear actually exists, it may be exacted at any period before. To this the answer is short, the principle is fully admitted: and supposing the aggregate subsidy of 126 lacks to have been due for many years last past, it would have been more advantageous for the state of Oude to have made the cession, five or ten years, or more, before the time above proposed; and the earlier the period the greater that advantage: as the territories to have been dismembered from the state would have been of less extent; and a greater pecuniary saving than in the former case would have been made, the amount of which shall be hereafter specified. Nor could a delay of four or five years have been suffered between the occurrence of the first arrear and the requisition for a cession, as contended at the end of the objections, without subjecting the ceding power to

an additional loss of territory of the neat income, the increased arrear of the year after the last foreborn, and the interest of the sum of all the antecedent arrears. A forbearance which, when it terminated, must be followed with a greater diminution than necessary of the funds set apart to carry on the business of internal government.—

Having presented to those who hold the above objections, a fair issue categorically denying every point therein advanced, one excepted, there alleged to militate directly on the contrary side, the arithmetical proof of the propositions is to be given.—

Some further observations must in this place be premised on the elements to be used in this process: that the subsidy of Oude must have been 126 lacks, in case the cession had not been made, is a fact. That the revenues of Oude had been declining during the last twenty-four years before that compact was made, is established by the whole of the evidence: and that the increase of the disorders in the government after the death of Asoph ul Dowlah, was such, that there existed no probability that any stop should be put to the yearly average decrease of the revenue: but, on the contrary, strong apprehensions were entertained, and that even from the admissions of the Nabob, that under his administration it would go on, not with a uniform progress as here taken, but with an accelera-

ted celerity. The present state of Oude, as already described, and the vices of that administration are such, that under an Indian government, as they now are, generations will not suffice to get rid of the effects of these two fatal successions.—

A further remark is here to be made, previous to our entering on these arithmetical reasonings. The yearly rate of decrement 1·36 per cent. has been assigned by an arithmetical assumption: but if we were possessed of the real ratio of decrease it might be found to be somewhat higher or somewhat lower than that proceeded upon. But, of the latter, it is supposed that it has been already sufficiently shown that no probability exists*: now from the very nature of the thing it follows, that if the real rate were obtained, and substituted instead of that assumed, all the propositions laid down above would be proved to be true with respect to that very rate: the only difference in the results would be, that the real time of the income being reduced to one half under the old administration would be less; and the loss to the state of Oude on postponing the cession to any term after the period described; and its gain in making it even some years before would be greater; if it should be greater than that assumed; and the contrary if it should be less.

* Page 175, Note †, Art. 1. 3, 4.

To go now into the arithmetical demonstration of the propositions: let it be supposed that the state ruler, or the Nabob, should suffer the year to come to an end without making a cession, in which the income of the state becomes precisely equal to the charges of government, and to the subsidy, the amount of which is 126 lacks: in the next, the territory which would have been ceded will produce a revenue of 124 L. 30,000 rupees only*: now if a cession be made in the course of that year, an addition must be made to the territory, which would have sufficed the year before to pay the annual subsidy; a tract in that year which produced 127 L. 72,000 sicca rupees †, no more than answering that demand now: to which, if the difference be not paid up, must be added, at the end of the year, the interest of the first arrear 1 L. 70,000 sicca rupees at 12 per cent. or 20,800 sicca rupees, for the Company will not entirely remit that arrear; and the state will have lost, by the delay the first year, a tract of country at the beginning of it yielding a neat income of 1 L. 92,800 sicca rupees, and the quantity of land to be ceded in that year must be increased in the proportion of 128 to 126.—

And if, as before taken, the Nabob and the Company shall not, during that year, have come

* Def. page 175, Note †, Art. 6. † Ibid. Art. 10.

to a treaty; there will be, over and above the income he will receive from the territory to have been ceded at the term proposed, a sum of 1 L. 70,000 rupees to be made good; out of the reduced income of the whole dominion for the year; or he must pay it out of his private treasure; or the Company must consent to have the payment forborne. These three cases must be considered separately; as they present the advantages of making the cession at the first period, and the disadvantages of postponing it in different points of view.—

If the first be the case, the payment of the subsidy at the end of the first year will require the addition of 1 L. 70,000 sicca rupees to the reduced income of the adequate cession: and at the end of the second, third, and fifth years; the payments of 3 L. 38,000, 5 L. 03,000, and 8 L. 26,000 sicca rupees respectively*; the defalcation of the income of the proposed cession, and the loss to the state in those years. Such are the perpetual growing charges upon a revenue, no more than sufficient to answer all the necessary calls upon it in the beginning of the first year; and which is, beside, liable to a fall of 1·36 per cent. yearly: and that decrement would be enough after its continuance for a certain period, to fling every thing into

* Note †, page 175, Art. 6, 7, 8.

confusion where perfect regularity existed before; which is unhappily far from the state of Oude. But the subsidy being paid up every year on this supposition, the whole decrement of the revenue, both that of the territory proposed to be ceded, and that to be retained, will fall on the supplies for internal government; no more than sufficiently provided for before; a defalcation perpetually and rapidly increasing: its power must be perpetually weakened; and support after support giving way, the additional confusion it will introduce will be such, that the decline of the revenue will soon come to exceed its former rate of 1·36 per cent; and a total dissolution of government, if such a plan could be persevered in until it produced its full effect, must take place. But its imperative necessities would, if not immediately, yet at an earlier period, produce arrears in the payment of the subsidy.—

The second supposition is now to be considered; that this ruler or Nabob is influenced by the desire of avoiding the dishonour, which he supposes to follow from the cession of a part of his dominions; and, at the same time, of retarding the progress of the internal government of the kingdom to that dissolution so rapidly coming upon it; shall, from his private treasury make good these defalcations of the income of the proposed cession as they

occur, thus the funds for the internal government of the country will be the same as if it had taken place at the proposed time. I therefore must proceed to show, that he will do far better for himself, and for the state, considering the income to support government as its separate property, by making the cession at the time the least portion of territory can be accepted in perpetual discharge of the subsidy: and this is only to be effected at the first period.—

This is demonstrated in the case laid down as follows: At the end of the first year after the equality takes place between the neat income of the state and the adequate revenue; the income of the country to have been ceded will be, as has been seen before, reduced to 124 L. 30,000 sicca rupees. The deficiency, amounting to 1 L. 70,000 *, the Nabob will make good out of his private treasure. But if he shall, before the end of the first year, determine upon the most advantageous step remaining to be taken for the state, he must give up a portion of territory then in value 126 L. but the year before 127 L. 72,000 sicca rupees †: and the delay is followed by the loss to the state, for ever after, of a portion of lands which the year before yielded 1 L. 72,000 sicca rupees,

* Defence, p. 175, Note †, Art. 6. † Ibid. Art. 10.

and at the expence of 1 L. 70,000 sicca rupees to himself.—

At the end of the second the district to have been ceded will have fallen to 122 L. 62,000 sicca rupees; the payment from the private treasury will be 3 L. 38,000*, if no cession has been made during the year: and thus at the end of two years, he shall have paid from his treasury 5 L. 08,000. By a treaty of cession, during the year, the payment of 3 L. 38,000 will be avoided, but the land now to be ceded would have produced two years before, 129 L. 46,000†: and the loss is, of a country then yielding 3 L. 46,000. At the end of the third year the Nabob will pay 5 L. 03,000‡, and in the whole in three years 10 L. 11,000: and the territory to be ceded, if any compact take place, will be further increased at the end of that year.—

At the end of the fifth year, the territory to have been given up at first will be reduced in income to 117 L. 74,000 sicca rupees: and in that year there will be to be paid from the treasury 8 L. 26,000 sicca rupees§: and the whole of the five payments of the Nabob will be 25 L. 00,500 sicca rupees. But if at that period, tired of the reiteration of these expences, or

* Defence, p. 175, Note †, Art. 6.
† Ibid. Art. 10.
‡ Ibid. Art. 7.
§ Ibid. Art. 8.

convinced not only of their inutility, but that the money might be converted to much better uses by being solely employed in furthering the second of the motives, by which he was supposed to be actuated; that is in covering part of the deficiencies of the fund for internal government, he shall determine on a treaty of cession; as the first year's income to be received by the Company will be the sixth after the proposed term, and it must amount to the neat sum of 126 lacks; as much of the land must be then ceded as would have been at first satisfactory security for 136 L. 67,000 sicca rupees; or a territory would be lost to the state by the procrastination which then produced 10 L. 67,000 rupees*. Now if he had made the proposed cession, and annually contributed the sums he otherwise expended to the support of the internal government of his reserved country, the revenues of which were continually declining; it would have been in a far better state: although the evils of a decreasing public income could not be entirely counterbalanced thereby, unless the ceded part were equal to or exceeded it in yearly value.—

At the end of the tenth year, the revenue of the proposed cession shall have decreased to 110 L. 02,000 sicca rupees: and the Nabob will

* Note †, p. 175, Art. 9.

pay out of his treasury, in that year, as above-explained, 15 L. 98,000 sicca rupees * : and his total disbursements for the last five years shall have been 64 L. 66,000 sicca rupees; and for the whole term of ten years 89 L. 66,500 sicca rupees. And in the course of the eleventh year, if a treaty of cession be made therein, as much territory must be given up to produce 126 L. neat income, as at the initial term proposed, would have been accepted as security for 146 L. 26,000 sicca rupees: the loss, therefore, is now become that of a territory yielding initially 20 L. 26,000 sicca rupees. And if this series of sacrifices be not sufficient to subdue the error and perseverance of a nabob possessed of a large private treasure, we may conceive him going on for another quinquennial period; at the end of which the proposed cession will be reduced in value to 102 L. 81,000 sicca rupees: and there must be drawn from the treasury, in the last year, 23 L. 19,000 †. The amount of its disbursement in this last period will be 101 L. 72,200 sicca rupees; and in the whole 15 years, 1 crore, 91 lacks, 38,700 sicca rupees. And if a cession be made in the 16th year, the initial value of the tract to be ceded will be 156 L. 52,000, and the income of that in the first year of the territory so lost, would have been 30 L.

* Note †, p. 175, Art. 9. † Ibid. Art. 9.

52,000. But these periodical statements shall be no further pursued. Long before the expiration of the 15th year, necessity must have compelled the ruler of such a state to put an end to so ruinous a course.—

I come now to the third and last supposition; that when the state comes into that situation, that in the next year it will be no longer able to defray the necessary expences of government, together with the subsidy; the Company does not require a cession then, or on the first arrear, but consents to a temporary forbearance of the proportional defalcations stated above, and the interest of those in arrear; and continues this supposed indulgence for a certain period. Here it is to be proved, that this forbearance increases, in periods of equal length the portions of territory to be given up by that cession which must ultimately take place; and thereby accelerates the decline of the country.—

I shall not give here, as before, a series of examples in proof of this; but take it only that the forbearance extends to the beginning of the sixth year. Here the cession to be made in the sixth year must be a territory that at the end thereof shall produce 126 lacks in payment of the subsidy, together with the perpetual interest of all the outstanding arrears of the five

preceding years to the end of the sixth: that is to say, of the arrear of the first year for five years, the second for four, &c. and the fifth for one: the amount of the interest of these five sums will be 7 L. 04,000 sicca rupees, now to be made principal, and added to 25 L. 03,000 sicca rupees arrears to become due at the end of the fifth year, constitutes a debt of 32 L. 07,000 sicca rupees, which, as it cannot be discharged, interest at 12 per cent., or 3 L. 84,000, must be allowed for: and the income of the territory to be ceded will become augmented by that sum, or to 129 L. 84,000 sicca rupees. But by this mode it would become necessary before the termination of the sixth year, that a tract of land which, at the time of the proposed cession, would have been satisfactory security for a subsidy of 1 C. 38 L. 94,000 sicca rupees should be ceded by the indebted to the creditor state in perpetuity. Now the value of the additional territory so to be alienated, is, at the end of the first period, 12 L. 94,000: and supposing the cession to have been delayed for an equal time in all the three cases considered, *this is the mode of obtaining the security, in which the tract of country dismembered from the state is the greatest.*—

Of the total of the arrears stated to become due at the end of the fifth year, that of the first is here, as well as on every preceding occasion,

taken to have been 1 L. 70,000 sicca rupees only: and as arising solely from the progressive decline of the revenue already continued for twenty-four years. This, it appears, from the evidence before produced on that head, has been taken at a rate the moderation of which may be esteemed at least very sufficient. A dislike to the very appearance of endeavouring to make a strong case; has likewise induced me hitherto to proceed on the tacit supposition, that the total arrear at the end of the first year after the proposed term of cession, would amount to the above sum only: but it has been shown, that there was initially due to the Company a former sum of 59 lacks of rupees*; which would make the debt, without interest, at the end of the first year 69 L. 70,000, and at that of the fifth 84 L. 73,000 sicca rupees; to which annually increasing arrears the interest incurred upon them in six years must be added, and made principal: whence the conclusion deduced on this and the two cases considered in comparison with it, must stand good *a fortiori*.—

Moreover, when the arrear of the first year 1 L. 70,000 sicca rupees occurred; although the interest of the yearly amount of the subsidy 1 L. 51,000 sicca rupees is very nearly equal

* Defence, p. 146.

to that amount; *it would not be a headlong rapacity in the Company to avail themselves of the letter of the treaty, to demand a cession of lands for security for the due futurepayment; equal in income to its whole yearly amount.* The loss to the indebted state attending such forbearance for five years is shown above: and almost all that loss would have been avoided by the decisive and instant measure so reprobated.—

The last *supposed* objection which remains to be considered, is; that if we may use our influence, to obtain a cession a year or even a month before an arrear takes place, we may employ it at any prior period. A great arrear existed when the cession was demanded of the Nabob of Oude by Marquis Wellesley: this fact entirely invalidates this objection, if it be such, to his treaty. But as the arrear has not hitherto been taken in aid of the assumption, I shall continue to argue as if it did not exist: and by an examination of the consequences of the supposed anticipation demonstrate; that it would be in a high degree beneficial to the dependent territory, that the protecting state should exert every means legitimately in its power, to procure the cession at one of those earlier periods at which the objection supposes it so iniquitous to attempt it.—

The decline of the revenue of Oude has been progressive for the twenty-four years preced-

ing the treaty. In proof of the proposition therefore let it be examined, what the consequences would have been if the cession had been obtained 5, 10, or 15 years before 1801? A territory in 1801, producing 117 L. 74,000 sicca rupees, would, five years before, have produced 126 lacks, and been satisfactory security for the subsidy: and the state of Oude would have saved a territory, which, in 1796, yielded a revenue of 8 L. 26,000, by anticipating the act of cession five years only. If the anticipation had been of ten years, that gain would have been 15 L. 98,000 sicca rupees; and if of fifteen years 23 L. 19,000 sicca rupees; and the supposed injury would have been a great alleviation to the perpetually increasing distresses of the state.—

If the revenues of the country of Oude had been on an average of years increasing, the contrary of all that has been above proved would be true: the measure would be detrimental to the state. But here a permanent annual rate of increase is only considered. If the revenue receive a sudden and fixed augment, or a permanent yearly expence were suddenly annihilated, the income would be increased to-day, but its decrease, after such augmentation, would be renewed to-morrow; and at the same yearly rate as before. Now the latter of the two circumstances actually

took place, and probably to some considerable amount; when the expensive and dangerous military establishment of Oude was gotten rid of, and a cheaper and more effective force substituted in its stead. The period of its falling to half its augmented amount, about 51 years, would remain the same: but that of the income becoming adequate, or equal to the sum of the charge of internal government, and of the subsidy, if it had not reached or passed that degree of depression before, will be protracted; and in proportion of the yearly fixed augment.—

The cession goes entirely upon the supposition, that the state to which it is made, is confident, that by the superior regularity and mildness of its government, it can totally put a stop to this fall of the public income in the ceded tracts: which cannot be done, without putting an end to the misrule of the country, and the consequent sufferings of the inhabitants, which are the cause of it. To bring to a full termination, by such a reformation, the miserable decline of those beautiful provinces which the cession has put under our government, and to lead them at last back to that prosperity they formerly enjoyed, was a duty incumbent upon us at the earliest period at which the just means of effecting this were in our power. That the means employed by

Marquis Wellesley were just, and conformable to the pre-existing treaty and the law of nations, has been shown in the latter part of this tract; while in the former it is proved, that the whole system of his conduct in Oude must be beneficial to that country in a very high degree.—

And now let us pass over collectively the heads of accusation deduced from the transactions of Lord Wellesley in Oude, already separately considered. An army, a great part of which, by the treaty conferring the nabobship on Saadut Ali, was to be dismissed; on the discovery of its readiness to join a foreign invader, and its devoted attachment to a former usurper, his rival; his very body guards plotting against his life*; representations of which were made to him by the Nabob himself, his Lordship caused to be entirely disbanded. That the Governor-General expelled this garrison of traitors from the citadel, which they were ready to deliver up to the enemy; who were in a state of hostility against the capital they were to defend, and kept their cannon constantly pointed against it; is to be made a leading article of his future impeachment.—

The second is, that their place was supplied by a well disciplined reinforcement of the British auxiliaries already stationed there; by

* Authorities, see Def. p. 31, 32, 33, 34.

whose assistance alone, an end could be put to the bloody and ferocious anarchy raging over the whole face of the country*, and something like regular government be established†. The discretionary power of introducing which was in the very treaty constituting him Nabob, vested entirely in the Company‡.—

This will be followed by the charge relating to the cession of territory obtained for the Company: on this great reliance will be placed. The circumstances connected with it will be as far as possible wrought up into separate articles of accusation. And first it will be urged "that a demand was made for the "increase of the subsidy." To this the substance of a full answer is very short: that it was made on account of the augmentation of the British auxiliaries; and likewise grounded on a leading condition of the very treaty which seated the Nabob on the musnud§.—

The second criminating article to be brought forward will be, "that a like claim was ad- "vanced for a new security for the perpetual "payment of the subsidy so increased," but at that time there is full proof that the claim of the Company, to a security which should be

* Authorities, see Def. p. 54. 56. 58. 63. 121 and elsewhere.

† See Def. p. 69 to 85.

‡ Authorities see Def. p. 126, 127, and from p. 124 to 131.

§ Authorities see Def. p. 147.

satisfactory, was complete *; a great arrear then existing †, the *casus fœderis*, or case laid down in the treaty; in which it was required to be given ‡: and also that it was to be security in land §: any one species of security, at the option of the British Government in India, being then exigible ‖; and none other being adequately fixed and strong; neither that on the private treasures of the Nabob ¶, nor the engagements of the Shroffs or Bankers of the country ⁂.—

The third article of charge to arise out of this head will be, "that to this assignment "of land was required to be joined the military "and civil government of the tract to be so "made over to the Company, which amounts "to the perfect and complete cession of a "territory to a foreign state:" and it appears on very clear evidence, that no assignment on the income of the lands of any Indian potentate can be available to the Company without those powers annexed to it **.—

That any criminality should be attempted to be attached, to any one of the series of acts

* Authorities, see Def. p. 154, 155.

† Ibid. see Def. p. 145, 146.

‡ Ibid. see Def. p. 156.

§ Ibid. Nabob, see Def. p. 158.

‖ Id. ibid. p. 156.

¶ Def. p. 162.

⁂ Ibid. p. 163.

** If otherwise a simple mortgage only, on which see authority p. 163.

and claims which terminated with the cession of territory; or the obtaining of that cession; may very well, in the period in which we live, become the subject of some little wonder. It might have been supposed, that the arts of crimination had been too much improved to render such an attempt very probable. Intelligent accusers do not ordinarily force forward what they ought with the utmost solicitude to keep out of sight. Each individual transaction in the series which terminated in the cession, might be laudable, indifferent, or criminal; according to the circumstances with which it was connected: and its character depended solely upon them. Now nothing can be said against any one of these acts; but by the suppression of these circumstances, and the substitution of others in their place. Remove the latter fictions which have not an iota of evidence to stand upon; restore in their places those circumstances supported by public testimonies and public documents only, and every charge on this head successively vanishes.—

The considerations entered into in the former part of the tract, go much further than simple defence, and point out the full reasons for the last remark. Measures may be great; they may be carried on by the union of vigour and policy; and on a due balance being made of all their consequences, they may be found

on the whole beneficial. But of these there are very few, producing a good so extensive and so unmixed; that they are of the greatest benefit, not only to those on whose account they were undertaken, and carried into execution with zealous perseverance; but even to those who have blindly exerted their utmost endeavours to oppose them: and also to all those whose interest they materially affected, but who have not, or could not exert themselves to promote or to obstruct them: which third party, when a public interest is involved in them, are always the most numerous, and their interests the most important.—

The obtaining from the Nabob the commutation of the ceded territories for the subsidy, was a measure of this nature: it was beneficial to the inhabitants of the ceded countries by introducing among them the security of person and property, and the prosperity consequent upon these, instead of the alternate miseries of anarchy and oppression: a state from which we were especially bound to deliver them by every just means, for having given them up to the fatal domination of the Nabobs of Oude *. It was beneficial to the Company, whose better and milder government raising these countries to a better state than they had ever known

* Def. p. 86.—88.

before, from their increased opulence, arising from the security of property, which always increases the products of labour; they will receive an augmented income *, which will more than repay what at first seems a sacrifice †. Finally, it was beneficial to the Nabob, immediately, by the whole difference of the augmented subsidy, and the present reduced neat income of those territories, exceeding 50 lacks of rupees: and freeing him from the onerous obligation to make good the further annual decrements of their revenue, beside other great advantages before stated ‡.—

The power which the treaty of 1801 stipulates should be enjoyed by the resident, of interference in the internal government of Oude, is an article which will be strongly arraigned. This is an authority which has been constantly exercised, and of necessity §: nor can there be a stronger proof of that necessity, than that it has been so exercised by a Governor-General who has most broadly disavowed it; and even after his disavowal ‖. But it has been always anomalously brought into action; never fixed in its object, its extent or its mode of operation: and attended by circumstances greatly more humiliating in the sight of subjects, and

* Def. p. 93.—95. † Ib. p. 88.—96. ‡ Ib. p. 96—104.
§ Ib. Authority, p. 18. ‖ Ib. Authority, p. 19.

more distressing to the personal feelings of a Nabob *, than its most effective exercise in a better mode could have been followed by †. It was necessary to guarantee the Nabob in the possession of the power he received from us; the secure exercise of internal government. The immediate protection of troops of more fidelity and courage than their degenerated subjects, or their hired native auxiliaries, has been constantly necessary, at least since the times of Kouli Khan, to the petty and even the greater potentates of India—although the instances of any of them enjoying it are of recent date. In governments not so protected, every hour has teemed with revolution; every palace been a slaughter house; and many, and it may be said most of them, have terminated their lives by assassination or in exile. But to the guarantee of a potentate from the efforts of internal commotion, a guarantee of the people from wanton oppression in their personal safety and property, is of moral necessity a concomitant: and whether tacitly or otherwise given, does not diminish the obligation of it upon us: justice demands it ‡. The power giving the guarantee becomes, by its own act, and the duties arising out of it, alike the guar-

* Def. p. 20, 21, 22; and see p. 28. Nabob.

† Ibid. p. 23. Authority, Nabob, p. 28.

‡ Prelim. Dissert. 1st, Sec. III.

dian of the Governor and of the people * : functions which cannot be exercised impartially and occasionally in the favour of each, without interference on the part of the superior power ; although in tottering governments, necessarily more frequently to be exerted in defence of the governors than of the governed.—

The interference of British power in his internal administration, was an object of supreme jealousy to Saadut Ali : but without it he found his sceptre a weight too heavy for his feeble force † : a dwarf might as well have attempted to draw or to wield the scimitar of a giant. And notwithstanding the diplomatic fence, which a subtlety opposed to wisdom, might probably have made him wish to fling up against this interposition ; he found his authority, when he wished to exercise it solely himself, baffled in every department ‡, nor was it ever suggested that opposition to it was caused or promoted by British intrigue. But in numerous instances he was forced, with utmost departure from dignity, to solicit that interference he was so willing to struggle against : and from a resident (a man indeed of great ability and the strictest principles of justice) whom he personally disliked. This

* Prelim. Dissert. 1st, Sec. III. † Def. p. 133.

‡ Defence Army, p. 134. Finances, p. 135. Civil Government, p. 139.

was in particular instances only; although they were many *. But deploring the circumstances of his country, which had almost disjointed the whole frame of internal government, and declaring that nothing but a great and systematic reform in every department, could prevent its entire dissolution; he states that this was not to be effected, without the interference of the British power †. Nor even that the effect of the sentence of a civil court, after its due constitution, would be secured without the continuance of it ‡.—

Now that this interference, which is the necessary consequence of the guarantee, on which the personal security and present elevated station of the Nabob alone stand; without the frequent interposition of which, he could not have hitherto carried on that feeble government he has maintained; and without the aid of which he finds himself unable to establish that reform, which must prevent its utter downfall; or maintain it when established, and which has always been exercised in an uncertain and undetermined manner, as the variety of circumstances and the character and temper of individuals determined; should be now specifically admitted by treaty,

* Ibid. † Def. Authority, Nabob, p. 141.

‡ Def. Authority, Nabob, p. 134.

and the mode in which it is to be exercised accurately defined, is adopted as another charge against Lord Wellesley.—

Under these greater articles several particular and subordinate charges fall, by forming integral parts of them: and there exist none on the subject of Oude, of any weight at least, which does not belong to one or other of them.—

Even that subject itself is but a single part of the intended impeachment; although thrust prominently forward to view by the enemies of that great man, who has displayed in the Eastern world an active spirit of enterprize, a fertility of resources derived from the experience of past examples, surpassing many highly and justly applauded, and encreasing the number of the best, and leaving new ones behind it: an acute political sagacity of foresight, which has opposed adequate prevention to every danger; even when a hostile faithless policy was meditating the blow, in defence of the rights of his country, of the Company; in the cause of the oppressed population of India, and of that of justice; equal to any thing which those formidable talents perverted to the wickedest purposes, have exhibited, amidst the terror and the desolation of this western part of the continent. But the transactions in Oude form not the greater part of his great

measures in India; most of which are made subjects of accusation against him.—

The invidious and malignant spirit of detraction has, I believe, almost refrained from all attacks on the noble Marquis for the conquest of the Mysore; distinguished by the death of a faithless and ferocious tyrant; but one of the greatest generals and politicians which India has produced since the time of Aurungzebe: and for the elevation of the *rightful and hereditary* sovereign of that country to the throne. But here the forbearance of the whole of the party was at an end. Of Oude, and of the Marquis Wellesley's transactions there, nothing further needs to be said.—

The commencement of the Mahratta war is likewise made by them an object of crimination. Its origin was as follows: the Peishwah of that empire, guaranteed in his territories and office by the two treaties concluded by Mr. Hastings and Lord Cornwallis, had been made a prisoner on the Musnud, by Rao Scindia, who exercised his usurped government in his name. This usurpation was put an end to by the arms of Jeswunt Holkar, who advanced to the like nominal government of the Mahratta empire, a pageant of his own; driving Scindia back again into his dominions, and the Peishwah into exile. It is made matter of grave crimination to the Marquis, that, with a Bri-

tish force, in pursuance of the guarantee, and for an object of the highest interest to the Company, he restored him to his private dominions, and his authority in the empire, without a battle. I have no leisure to set up any defence against this charge, nor that other closely connected with it, that when Holkar, after his expulsion from Poonah, although peace was repeatedly offered, entered into alliances with powers against whom we were then at war; made incursions into the dominions of our allies, particularly those of the Nizam; and plundered Aurungabad; rejecting all treaty with the company, unless great cessions of territory were added to that which he had treacherously usurped from his legitimate brother; Lord Wellesley thought it expedient, because he could not prevail on him to lay down the sword: to continue the war against him.—

Nor can the events of that other war with Scindiah and the Raja of Berar, brought upon us by the counter-revolution at Poonah be here entered upon; any further than barely to observe, that it was distinguished by events as useful as brilliant. For if in the war of the Mysore the empire of the formidable ally of France was subverted; in the former, the state founded by Mons. Perron, comprehending Agra, Delhi, and a large portion of the Douab of the

Ganges and Jumna; not that of an ally of France, but a French empire in India; second in military power only to our own; established on the most vulnerable part of our frontiers, was conquered. An event in utility not unequal to the destruction of the power of Tipoo. Nor has the war terminated with his life, and the capture of Seringapatam, furnished our history with a series of more illustrious actions, than the brilliant campaign of that consummate general the brother of the marquis, and that of Lord Lake; in which it was begun and finished. That of the latter distinguished by the splendid victory under the walls of Delhi, and that of Laswaree; which finished the war in the northern countries.—That of the former by the battle of Argaum against the united forces of the two Marhatta chiefs; where the Persians were first taught, almost by the slaughter of their whole body, what it was to oppose themselves to British valour and discipline: by the reduction of Gawil Ghur to that time always esteemed impregnable in India; and by that of the celebrated victory of Assye *, the memory of which, under the same disadvantages, we

* The historical matter relating to this war, is taken from the Annual Register 1804, Hist. Chap. 14. Ottridge, Longman, &c. &c.

have seen him recently renew in Zealand*. Nor was the reputation of the nation more exalted, or did its beneficent justice appear in a more noble light, in seating the Raja of the Mysore on the musnud of his fathers; than in raising again the fallen descendant of the great Timur, to the imperial throne of his ancestors.

The passing by a claimant for the office of Nabob of the Carnatic, for the most cogent purposes, and the appointment of another; and the just punishment of certain Polygars, who sought by a rebellion not unformidable to escape that due to plunder and massacre; have been arraigned in the House of Commons and before the public: and it is said, are to be made matter of criminal accusation against Lord Wellesley. The short but excellent answers which have been given to these accusations †, carrying with them internal marks of having been taken from the best documents; it is probable will teach the accusers somewhat of discretion at least; however it may fail of teaching them equity.—

* In both actions, a body of troops detached to take the enemy in flank, could not arrive at their posts before the victory was obtained.

† See a series of excellent papers in the Oracle on those subjects: where is given also a judicious and concise refutation of the Oude Charge.

It is impossible that the writer of a tract, which has run to the length which this has, should not at times have made some reflections on the causes that a party mostly arises against a governor of our Indian dominions on or before his return: and the different motives and principles of the several sections of the coalition of which it is formed. A few shall be here flung together, without attempting to enumerate all, or to go into any one very particularly. The acts of our first conquerors in India have been the subject of strong censure: much, perhaps, of which was deserved, although the whole cannot be justly subscribed to. But the jealousy and suspicion these circumstances have directed against those, who have afterwards held high offices in India; has not been diminished in the proportion, in which the possibility of these deviations from justice has been diminished, by the effective fences reared againt them by law.—

Something of principle mixes with this; but of principle running with extravagance, for want of considering the ultimate point beyond which it ought not to be pushed: and when that is forgotten, men are led to the most dangerous fallacies of opinion. But there is another division of the party, whose motives certainly are capable of no such excuse.

When Rome held a number of feudatory kings under her controul, those sovereigns purchased the protection of individual senators and their voices in the senate. Cicero tells us, that even a great advocate of liberty, Brutus: exacted high terms from his royal clients, and punctual payments. And it is understood, that some of the ruling powers of India, at least formerly, renewed the practice with certain members of the Parliament of Great Britain, on the continuance of it nothing shall be here hazarded: but they are not without their agents to take care of their interests with the public, some of these undoubtedly get into the body of the proprietors; to serve there an interest most strictly *to be called foreign*, if not hostile; and they promote the same cause in private circles, in the public papers, and by the circulation of printed tracts. Instances may possibly be produced, of grievances they may have been directed to inveigh against, not having been destitute of all foundation. But such is the frontless boldness of Asiatic fiction, that a very extraordinary degree of scepticism ought always to be attached, at first, to what these agents have it in their instructions to urge. A governor general vigilant for the interests of his country, the Company, and that of our allies, will always be attacked here by this

squadron; while he remains abroad, to fetter him by remonstrances, or reports of the popular censure transmitted to him: and on his return, the revenge of their Indian clients will excite them to raise a loud and wide extended popular clamour, a party in the India house, and a prosecution against him; which they hope, at the same time, to make a salutary warning to his successor.—

The party is also augmented by a set of men acting on different grounds: whose principles are very specious when laid down; and which even have the appearance of public authority with them. These principles are, 1st, that the measures of the Governor-General should be directed *to maintain* "*the security of the Company's* "*possessions:*" and, 2dly, "*to pursue no schemes* "*of conquest and extension of dominions;*" as being "measures repugnant to the wish, the "honour, and policy of the nation." Applying this particularly to the case of Marquis Wellesley, they urge, that in utter opposition to these excellent maxims, he has greatly extended those dominions which they enjoined to be confined to their pre-existing limits. The language of these men carries a fair appearance with it, and I shall not even now, advanced so far as this tract is to its conclusion, leave their objection entirely without an answer. I observe, therefore, that in ordinary cases, and per-

haps in general, both these principles can be acted upon at the same time: but that there are some in which they are absolutely repugnant and incompatible; one of which took place in India, during the administration of the late Governor-General. Our possessions there, are only to be preserved by maintaining the same proportion of strength to that of the native powers, which existed (we will say,) at the time these two principles were laid down. But if our military strength remains fixed for a long course of years, and that of the native powers continually goes on increasing; the preservation of our dominions will become impossible.—Now military strength is of two kinds; physical and scientific. The physical strength consists solely in the number of men a state can bring into the field; the scientific in discipline and tactics. Our armies have been very little improved, and in the science of war we have made very small advances, since the brilliant victories of Lord Clive gave us our Indian dominions: and restricted from extending them on any occasion however just; our physical strength in India, the number of inhabitants in the countries subject to us can have made very little absolute increase. Our military strength had therefore been nearly stationary; and the population of Britain will not now admit of an in-

creased supply of men for the East India service; whence the increase of our force must be of natives of India.—But the case of the native powers is very different: their total physical strength, like ours, remains nearly fixed, but when we taught them, that native troops officered by Europeans, were forces which might be relied on, and they copied our example; when they had an artillery which were very well served; and they had gained a much more respectable knowledge in tactics, chiefly by means of European officers; what is here called their scientific strength, was greatly increased, their military power was augmented in the same proportion very nearly; and the relative force of the English settlements, or their force compared with that of the native powers, has of necessity fallen in the same degree. When this great revolution took place in the Indian military establishments, there arose a necessity for us to increase our strength; or to hazard all the loss, and all the misery of being vanquished by them, and driven from the Asian continent. This could be done only by the increase of our physical force, or the number of natives under our dominion; which was to be acquired only by the increase of territory. And when just means of obtaining it offered, either as the price of the perpetual protection of a power from all enemies, or moderate conquests

in a just and lawful war, they were to be embraced. The two maxims therefore when Lord Wellesley went into India had already become incompatible: but he took the only step which is likely to put a stop to the further progress of this necessity of thus increasing the number of subjects over whom the dominion of the Company must be extended. In all his treaties with the country powers, he has inserted an article to prohibit or limit very much the admission of European officers into their service which will put a stop to their further progress in the art of war, if not change it into a retrograde movement. Parliament had ordained that our dominions in India should not be extended: political circumstances rendered this incompatible with their preservation, and even with that of the British inhabitants in India: Marquis Wellesley, by this new stipulation which he introduced in all his treaties with the country powers, which, though it might pass disregarded, because its effects were both future and negative, amounted to a revolution in the political relations we shall hereafter come to stand in to them; has effected what the order of Parliament could not do: he has restrained the FURTHER extent of our territory, by rendering it possible to be restrained.—

The specious objection last considered, has had undue weight with many proprietors of the

East India Company, and with persons of other descriptions: but there are others who have joined themselves to this party from other motives: some returned from India, whose improper pursuits of gain have been checked, or whose ill-founded pretensions to preferment have been set aside by the late Governor-General; or whose relations and friends have justly suffered those disappointments. Add to these all those of the proprietary who prefer their present interest to the future greater interests, or even the existence of the Company. When a strong expedience requires a considerable expence to be incurred for those important ends, they know the present value of their stock in the market must suffer a diminution; and they censure the measures that expedience compels a good Governor-General to embrace, as wild and romantic speculations, drawing after them the certain ruin of our interests and affairs in India. And there are cases, in which the full evidence on which he acts ought not to be laid open to the public; or, it being effectively the same thing, to the Company at large: and here the best laid plans may appear an expence without an adequate object. and men directly interested or not so, in their effect, will have decided upon their merits before the evidence can be laid before them; and so peremptorily that they cannot openly retract;

if after their decision they give its grounds a second examination, a thing which seldom happens.—

Some of these causes giving rise to a party to proceed in parliament against a Governor-General, will not operate on the proprietors as such; and it may acquire strength enough to procure an impeachment against him in parliament, even if the Company do not favour it; but their success is almost secure if they do: and where the political circumstances of the times are such as to require repeated exertions of enterprize and decision on his part, the voice of the proprietors will be almost certainly against him. Hence a man of great ability will refuse to accept the office of Governor-General in future periods, full of new and untried difficulties like those upon which Marquis Wellesley was cast. His duty will call upon him to act before he can consult: and an unexpected face of things shall force him to change in a week, a system which had prevailed for years; and on which he had a long time continued to act.—

A menacing danger may arise which will grow to an irresistible magnitude before he receives instructions from this country: and the proof of its existence, although fully sufficient to a cabinet of statesmen, may fall far short of it to meeting here, if it could be all laid before

them, who will suppose themselves entitled to vote upon his measures. He will therefore defer them until it is much too late; through the fear of an accusation of wantonly rushing into an unnecessary war, and involving the Company in illimitable expences, from romantic speculation; and that exercising his great abilities as true policy shall direct, and with patriot energy; on his return he shall be made the object of public defamation, of a prosecution so complicated as to continue for years; the victim of the avarice of those whose views his measures have thwarted; the foreign enemy he has humbled; his guilty agents, and those whom they set in motion: rendered unhappy himself, and his family unhappy about him. We may come to want such men and suddenly; and most probably fail to obtain them, or not find them ready to run the hazard of such a return for their great exertions—or if such a one cannot subdue his thirst for glory, and shall see impeachments prolonged from year to year to be suspended over his head to welcome his return; he may refuse to follow the noble resignation to their undeserved fate, of some great men who have gone before him; and seek for safety in crimes. The last of the Coriolani was not massacred at Antium. And in a country where we have recently seen a private soldier in the English service, and a French midship-

man possess themselves of great principalities, a British Governor-General may with less difficulty make himself a sovereign. Great public crimes are frequently the appointed scourges of public injustice.

COR-

CORRECTIONS AND ADDITIONS.

Page	*Line*	
1	3,	*dele* the most
9,	21,	exceeds two thirds, *read*, amounts to one third
37,	11,	of what, &c. *to l.* 14, the sum is since found to have been 38 lacks.
48,	22,	*dele* alone
94,		*To be added to Note**. In the evidence of J. Johnstone, Esq. (Minutes, p. 29), £2,450,000 is stated as the value of 2 crores 22 lacks; whence that of the rupee is 2s. 2½d. nearly, from the papers printed by the order of the East India Company in May 1806, p. 31, it appears that they valued the rupee at 2s. 3¾d. and a small fraction. Mr. Johnstone, in a subsequent part of his evidence, makes the value of 74 lacks, £90,000 sterling; or that of the rupee 2s. 5d. and 9-50ths, if there be no error in the press. From another authority it appears to have been taken at 2s. 5¾d. and a small fraction, but the note containing it is mislaid. Finally the author of the Vindication, &c. of the late wars in India, (Stockdale, 1806,) takes the value of the rupee at 2s. 6d. The difference of opinions on the par of exchange between this country and India, with which we have such great connections, is singular.—
159,	24,	*after* them, *read*, joined with the admission of the Molavi Saddun
176,	21,	*note, for* imutandam, *read*, imitandam

APPENDIX.

FOUR LETTERS

UPON THE

OUDE CHARGE,

Which appeared in the "Daily Advertiser and Oracle" *of July* 1806.

LETTER I.

WE have attentively watched the progress of the charge brought against the Marquis Wellesley upon the subject of the Nabob of Oude, now depending in the House of Commons; enough, however, has transpired in the course of the evidence there given, combined with the other documents which exist upon the subject, to enable us to form, we trust, a correct judgment upon it, and we lose not a moment in laying our opinion before the public, satisfied that we act in so doing in the full and best execution of our duty. But we must not be understood as meaning *now* to enter into every part and parcel of the charge in question: our present object is confined to the giving a full and fair view of the transaction, in its origin, progress, and termination: reserving to ourselves, on a future occasion, when we shall have possessed our readers with the out-

line of the subject, to enter more particularly into the grounds chosen upon which to impeach the character of the Marquis Wellesley, and of those proofs on his behalf by which they are abundantly refuted.

The slightest acquaintance with the geographical situation of our Indian Empire, must at once satisfy us, that upon the judicious government of the country of Oude, as well with respect to its external interests, whether of alliance or means of defence, as its interior good order, and the reciprocal satisfaction of prince and subject, depend the peace and security of the British provinces under the government of Bengal. If these premises be admitted, and surely there will be none found so hardy as to deny them, the indefeasible right of "interfer-" ence," for the preservation of these great objects (in which consists the true bond of connection betwen the two countries), must be allowed to exist in the British Government in India.

We shall not at this moment inquire into the question of the "perfect independency" of Oude; suffice it for us to state, that when the treaty of Allahabad was signed in 1765, by the great Lord Clive, and Sujah ul Dowlah, the whole country had been conquered by the Company's arms; and that, from that period to the present day, the heirs and successors of

the latter have relied for the defence of their country, and for the support of their government, upon British protection; insomuch, that in the estimation of the native powers of India, the kingdom of Oude is actually held as a gift from the Company to Sujah ul Dowlah, and as a "*dependent fief.*" So far, indeed, did this acknowledged principle extend, that Scindia, upon a memorable occasion, referred the investiture of Vizier Ally Caun, by his Majesty, to the Governor General: and even the accession of the present Sovereign, Saadut Ally Caun, is entirely owing to British "interfer-"ence." Sir John Shore (now Lord Teignmouth), then Governor General, having positive proofs of the illegitimacy of Vizier Ally, proceeded himself to Lucknow, to place him (Saadut Ally) upon the Musnud of Oude. But, indeed, an historical research into this connection, will prove undeniably that the practice of "interference" on the part of the Company has been continued by every government in India, from the treaty of Allahabad to the present hour; and, in point of fact, how could this connection exist without such interference? In having placed Sujah ul Dowlah upon the Musnud, the Company was pledged to support him against foreign depredation and attack, as well as against contumacious or rebellious subjects. In placing the people of Oude under a

particular dynasty, the Company was equally pledged to preserve them from the consequences of the misrule, tyranny, or incapacity of their sovereign. Nor were the imediate interests of the Company overlooked in this compact, as it depended in a considerable degree upon the Nabob Vizier for a great portion of the resources requisite for defraying its military expences at Bengal—a revenue which arose from certain stipulations of subsidy from the Nabob Vizier to the Company, and by which the latter was bound to "defend the dominions "of the former from all enemies whatsoever."

In short, the authority of the sovereign of Oude was supported by British power, upon the principle, that the existence of the Company's territories in Bengal was inseparably connected with the security of that country. To watch over that security, and to establish it, whether against foreign assailants or domestic calamity, was the jealous care of the Company at home, and of its servants in India, from the period of the treaty of Allahabad to that of Lucknow, as may be abundantly proved by the instructions of the Directors, and the conduct of the Governors General during the whole of that interval, who, on every necessary occasion, "interfered" to the utmost extent of the meaning of the term.

Having thus, we trust, explained satisfactorily, the nature and extent of the connection of the British Government with Oude, it follows that it was not only the RIGHT but the DUTY of the former to maintain it under such circumstances, as should interpose the latter as an effectual barrier to the Company's territories, in that quarter, against the native powers of India.

That the Nabob Vizier was bound to defray the expences arising from the additional force which the Company might think proper to station in Oude, to support its good government, and for the protection of the country, is equally evident; for it cannot be supposed, either, that the Company was necessitated to assist the Nabob, to its own prejudice, or to remain an inactive spectator of the utter ruin of the country.

At the period when the Marquis Wellesley arrived in India, the affairs of Oude were in the most critical posture. From a series of weak, inconsistent, and disastrous measures, the government had become inefficient, with respect to its connection with the Company, and odious and oppressive to the inhabitants. The native troops, ill paid and numerous, were mutinous and insubordinate. The revenues, collected with violence and rapacity, were hourly decreasing in amount. Large tracts of land

were left uncultivated, in consequence of the oppression of the aumils. Emigrations were daily occurring, of vast numbers of the harassed and worn out inhabitants, to the neighbouring Mahratta States, and a great and growing arrear of subsidy to the British Government had accrued. Nor was the pressure of external circumstances less alarming.

The Governor General, at the moment when he discovered the treacherous designs of Tippoo Saib, in concert with the French Government, to destroy the British power in India, also saw the State of Oude formidably menaced by invasion from Zemaun Shah, the inveterate enemy to the Nabob Vizier and his race; whose declared purpose it was to involve him and his country in utter ruin; and who, it was now known, had become a party to the formidable confederacy already mentioned.

While this cloud seemed ready to burst over the head of the Nabob, the attempt of Vizier Ally, the rival of his authority, to excite alarm and confusion in his dominions, and to wrest the government of Oude from his hands, took effect. Joined by multitudes of the disaffected inhabitants, this base assassin of Mr. Cherry, the English resident at Benares, excited the utmost alarm throughout the whole country of Oude. An immediate rebellion of the people was hourly looked to; and the Sovereign him-

self trembling in his capital, implored the assistance of the British power; denounced his troops as dangerous and disloyal; and even demanded, that a considerable proportion of the Company's forces (destined to repel Zemaun Shah) might be placed about his person, to preserve him from the dreaded outrages of his own guards.

It was at this awful crisis that the Marquis Wellesley gave ample scope to the energies of his superior mind. While he took effectual measures to root up and annihilate the power of the Mysorean tyrant, and extirpate the formidable French force in the Decan; at one and the same moment, unembarrassed by those great efforts, he found ample resources to uphold the Nabob Vizier in his authority, to put his frontier into the most perfect state of defence against the meditated invasion, and to crush the germs of civil war, then upon the point of bursting forth in his dominions.

The result of these vast movements is too well known to be here given in detail; but we may confidently add, that upon them the fate of British India depended. The failure of any one of them, or, were they one atom less ably planned, or vigorously executed, the sun of British splendor and dominion would, in that part of the globe at least, have set, "NEVER "TO RISE AGAIN!"

When this " interference" of the British Government in the affairs of an " independent " prince," so much reprobated in the words of the charge, had supported an ally on his throne, and secured him from exterior invasion and internal commotion, it was found necessary to carry this " interference" a step farther, in order to place the country in such a state as might secure it from a repetition of the calamities we have adverted to, and to preserve to the Company those advantages which it had a right to claim from the nature and principle of its connection with the Nabob Vizier.

Nor was this interference without the knowledge, or contrary to the views and wishes of that sovereign himself; who, in fact, had repeatedly applied to the Governor General to interpose his authority (an authority never disputed nor unacknowledged), to deliver him and his subjects, by some permanent arrangement, from the evils necessarily resulting from an undisciplined soldiery, a discontented population, and a decreasing revenue. And, indeed, such was the unhappy state of affairs arising from internal mismanagement and universal distress, that the Nabob Vizier made a voluntary and unexpected declaration, on the 12th November 1799, to the British resident at his capital, of his " fixed resolution to relin- " quish his government, which he felt himself

" unable to manage with satisfaction to him-
" self or advantage to his subjects."

The negotiation which ensued upon this proposition, and which, under all the circumstances we have mentioned, it was impossible not to entertain, our limits will not allow us to treat of in detail; suffice it to state, that it was broke off by the Nabob insisting upon his keeping possession of the public treasure. A condition, obviously impossible to accede to, as in such case, the Company would have been deprived of the only security there existed for his performing his engagement with it; and, indeed, the only means by which those engagements could be performed.

Between this period and that of the treaty of Lucknow, all the evils to which we have so often adverted were daily augmenting; and, in their effects, threatened the utter destruction of the joint interests of the Nabob and the Company.

The disaffection of the inhabitants was such as to shelter, and even to acknowledge, an impostor, assuming the name of Vizier Ally, who attempted the Nabob's life in 1800. He had excited an insurrection, in which he was supported by several Zemindars, and whom it was necessary to reduce by the force of the British arms. The growing deficiency in the public revenue was not less alarming, the causes of

which were notoriously known to arise from the weakness of the administration; for Oude, under the protection of the Company, had been equally free from foreign invasion and the ravages of war, from devastations of the enemy, and unfavcurable seasons, with the British possessions in that quarter of India; and which, on the contrary, had been advancing rapidly in cultivation, prosperity, and opulence, during the same period of time.

Having already shewn that the security and internal tranquillity of Oude is indispensibly necessary *to*, and connected *with*, that of the Bengal provinces, sufficient grounds have been already gone upon to point out the *duty* as well as the *necessity* of "interference," on the part of the British Government, to save that country from becoming the victim of evil councils and the prey of our enemies. But, independently of these circumstances, there existed another cause, more immediate perhaps to the interests of the Company, to expedite that "interference."

In proportion as the disaffection of the people, the want of discipline of the soldiery, and the deficiency of the revenue, had rendered the Nabob's authority insecure, in that proportion existed the necessity of stationing within the country a great body of British troops for its support. The arrears of the sub-

sidy paid by the Nabob for this protection were now become very considerable, and must necessarily increase, so long as the ruinous and vicious system of the existing administration was continued, and which eventually must place the Company under circumstances of great pecuniary embarrassment and distress.

In such a crisis, it would have been indeed unjustifiable, and worthy the most serious "CHARGE," had the Governor General delayed demanding satisfactory security not only for the arrears already due, but for the subsidy to be paid for the additional troops, till the moment of the utter extinction of the resources of the country should have arrived. That security, the Marquis Wellesley thought, would be best attained, by proposing to the Nabob the vesting in the Company the civil and military government of the country, the former charging itself with an ample and honourable provision for the Nabob, his children, relations and dependants.

Here let it be remembered, that it was not till after nearly four years' experience of the wretched and ruinous system of the government of Oude, that the Governor General made this proposition; that it was founded upon one of a similar import, voluntarily made by the Nabob himself a short time before; and that even

now, when it was made, it was entirely optional upon the latter.

In effect, it was peremptorily and unconditionally refused ; and it was not till such refusal, that the Marquis Wellesley found himself obliged, consistently with his sense of the danger to which the interests of the Company were exposed, to demand a cession of so much of the Nabob's territories as should be adequate, according to the existing produce, to the payment of the arrears already due, to provide for the stated subsidy, and the expence of the additional troops. The treaty of Lucknow was the consequence of this demand, by which the proposed cession took place on the part of the Nabob, and the Company were bound thereby to defend him and his remaining dominions, in future, against all enemies whatever.

It may, perhaps, here be necessary to add, in order to evince the spirit which governed the Marquis Wellesley, in every part of this transaction, that the territory selected for the proposed cession, namely, the Douab of the Jumna and Ganges, was added to the possession of the Nabob, by the British arms, and was not the original possession of his ancestors !

Here, for the present, we conclude this part

of the subject, which we shall resume to-morrow, so far as relates to the *means* which were taken to effect this great object, and its consequences. On the justice and policy of the measure there can exist not the shadow of a doubt.

LETTER II.

Having yesterday, at considerable length, laid before the public an historical view of the Marquis of Wellesley's transactions with respect to the Nabob Vizier, *now* the subject of the "charge" preferred against him in the House of Commons; and having there, we trust, satisfactorily demonstrated the justice, policy, and necessity, of the treaty of Lucknow; we shall at present consider how that measure was effected; and what its consequences were with relation to the Nabob, the inhabitants, and the Company.

We have stated, in our first view of this subject, that the Marquis Wellesley was compelled, by the pressure of existing circumstances, to make two propositions to the Nabob Vizier:—the one, for a total investiture of Oude in the Company:—the other, to cede a portion of his dominions to it, producing an ascertained revenue.

It may be easily supposed, that negotiations carried on with a prince of so weak and irresolute a character as we have shewn the Nabob Vizier to be, must have been clogged with every circumstance of delay and difficulty which such a mind would naturally oppose to any decisive or definitive measure. It is foreign to our design, as well as impossible, from the limits to which we are confined, to follow those negotiations through all the windings and intricacies into which they ran for a considerable period of time, until at length the Governor General was compelled, in order to bring them to a conclusion—to state, that in the event of both propositions, or any admissible modification of them being finally rejected, that then, the whole civil and military administration of Oude should be assumed by the British Government, till the subject could be decided by the authorities in England. Nor do we hesitate to assert, that had the Nabob continued obstinately to refuse acceding to one or the other, that the Governor would have been warranted, upon every principle of public law and expediency, to have adopted that line of conduct.

The consequences of this decided tone were the signing of the treaty of Lucknow, on the 18th of November 1801; which, with all the other transactions connected with it, were approved by the Secret Committee of the Court

of Directors, in its communication to the Governor General, of the date of the 19th of November 1803. In fact, that Committee—which is the regular organ of communication between the Company and the British Government in India, having, at the time, before it the proposition made to the Nabob for the cession of the whole of the territory of Oude—had already expressed its approbation of the measures, of a considerable addition to the Company's troops in that country, and of increasing the subsidy to be received from the Nabob Vizier. Thus, as far as human judgment could decide upon the opinion of the government at home, the Governor General must have confidently supposed that he had not only placed the country of Oude in a state of maintaining her connection with the Bengal provinces, in the spirit of the treaties that existed between them, and had secured the Company in the possession of her just rights, but had the additional satisfaction of possessing the sanction and entire approbation, through every stage of the transaction, of the controling authorities in Europe.

How this arrangement has borne upon the actual condition of the Nabob Vizier, may best be gathered from the following statement by a gentleman of high rank, whose means of information upon the subject are indisputable, and

whose probity and honour are equally free from stain or reproach:—

" In fact, the finances of the Nabob Vizier " are now in a much better condition than they " were previously to the conclusion of the trea- " ty of Lucknow, since it is well known that " the Nabob never was enabled to collect from " the districts ceded to the Company in com- " mutation of subsidy, a sum sufficient to pay " the subsidy under the former treaty, and " *before* the additional troops had been station- " ed at Oude. Under the former treaty, also, " the Nabob would have been compelled to " pay all the expences of the Bengal army, " which might have been employed in Oude " during the late Mahratta war above the num- " ber of 13,000 men. The Nabob, however, " under the new arrangement concluded by " Lord Wellesley, was relieved from the ex- " pence, as well as from any demands in con- " sequence of the war. His Highness mani- " fested the greatest zeal for the success of the " British arms against the Mahrattas, and vo- " luntarily afforded the greatest aid by loans " of money, and other extensive supplies of " military resources to the army of Lord Lake. " There is every reason to believe, that he is " perfectly satisfied with his situation, under " the operation of his new engagements with

" the Company ; and it is certain, that in con-
" sequence of the reduction of his mutinous and
" useless troops, and of his entire relief from
" any demands of a pecuniary nature on the
" part of the Company, since the conclusion of
" the treaty in 1801, he now enjoys a degree of
" affluence, comfort, and splendour, which is
" not equalled by any other native prince in
" India."

Nor was this alteration, from a state of impending ruin to one of great and increasing prosperity, confined to the person of the sovereign. It is upon record, that in the year 1802, " the utmost tranquillity prevailed throughout " the ceded provinces, and that the change in " the government appears to have given gene-" ral satisfaction." In truth, instead of confusion, rapacity, and misrule, a fixed system of law, administered by regular magistrates, has been introduced into the province of Oude, and the rights of property ascertained agreeably to the principles of the government of Bengal (utterly unknown before), which has already produced the most beneficial effects in those fine countries, and which is likely to be progressive; while even the territories reserved to the Nabob are better secured to him in every respect, and have become more flourishing in consequence of the vicinity of the Company's Government.

To the Company the good consequences of this arrangement are eminently conspicuous; by it the consolidation of the British power in that quarter of India is secured; its stability fixed on solid foundations; and the dominion of the British Government, its laws and regulations, extended over a considerable and most valuable addition of territory.

Having completed what we originally proposed to ourselves, we shall, for the present, take leave of the subject, which has, we believe, now for the first time been brought before the public in one connected historical point of view. If it be true that the person who conducts the "charge" against the Marquis Wellesley has had some weighty obligations to his Lordship, well has he repaid them*! —for, surely, to have given publicity to a series of conduct, in which moderation, talent, and judgment, in the art of governing, were never, in any time or age, more eminently displayed, than by the late Governor General of India, must be admitted, on all hands, to be no common piece of service. Such, we hope, it will be considered by the Noble Marquis; such, we are sure, it will be esteemed by the public.

* At that period, Mr. Paull.

LETTER III.

THE accusation preferred against the Marquis Wellesley in the House of Commons, on account of his transactions with the Nabob Vizier, may be reduced to a few general heads :—

1*st*, That of wantonly interfering in the affairs of an independent prince.

2*dly*, Of wresting from him a portion of his dominions.

3*dly*, Of reducing him thereby, from circumstances of great splendour and majesty, to a state of positive degradation.

4*thly*, Of having by this change of government oppressed and outraged the inhabitants.

5*thly*, Of having appointed Colonel Scot, resident at Lucknow, as the instrument of the alleged oppression, extortion and tyranny, "he "being a representative entirely worthy of the "person whom he was chosen to represent."

6*thly*, The illegal employment of Mr. Henry Wellesley; and, *lastly*, (through the agency of the latter,) the actual commission of the foul crime of MURDER!

We have little doubt but that, in our first two numbers, containing an historical view of the whole of this transaction, we have sufficiently disproved the allegations contained under

the first four of these heads; and that, on the contrary, we have shown the right of "interference" in the affairs of the country of Oude was established upon every ground of PRINCIPLE and PRACTICE, from the moment of the connection being formed between it and the Government of Bengal; that the treaty of Lucknow was pregnant with the most beneficial effects to the sovereign, the inhabitants, and the Company; and that the means exercised to carry it into effect, as well as the measure itself, were dictated by judgment, exercised with moderation, and had the *implied* as well as *expressed* sanction of the controlling authorities at home.

We have here, therefore, but to consider how far the three last heads of the charge are borne out by the real state of the case, either as being criminal, if true—or entirely unfounded in point of fact.

And, first, with respect to Colonel Scot's appointment, we have no hesitation in joining issue with the writer of the charge upon his own words: for, as we have proved that the views of the Marquis Wellesley, with respect to the Nabob Vizier, were *moderate*, *just*, and *honourable;* so we are willing to admit, that no fitter "representative" could be found "to represent" his Noble Principal. Upon the sense in which the person bringing forward the

" Charge" uses the phrase we have quoted, we disdain more particular notice. " Secret con- " sultations" are also adduced as having passed between the Marquis Wellesley and Colonel Scot, as to the ultimate designs and machinations of the former against the Nabob Vizier. Here there is so total an abandonment of fact, that we feel ashamed to enter upon the refutation of an assertion so made. *Had there been* " consultations" between the Governor General and the person chosen to execute so important a mission as that to Lucknow, we should suppose that they must have been necessarily " secret." But our readers will be astonished to hear, that not only, no " secret consulta- " tions" took place between the parties in question; but that there was a physical impossibility that any such should take place; and that in fact, from the month of December 1798, to the close of the year 1801, his Lordship had no opportunity of even seeing Colonel Scot.

Is it here necessary to add, that Colonel Scot's services, character, and talents, were universally acknowledged to be of the first rate:—that he served with distinguished honour in the most confidential situations under Generals Stibbart, Sloper, Lord Cornwallis, Sir R. Abercrombie, and Sir A. Clarke; and always with the unbounded approbation of his superiors:—and that he was employed by Lord

Wellesley, on the express recommendation of the great and good Lord Cornwallis, as well as upon his own merits? Our readers will also, we believe, reflect, with a feeling somewhat stronger than that which common feeling and sympathy would excite, that, at the moment when the character of such a man is implicated in a charge of the most serious nature, he cannot defend himself—for HE IS NO MORE!

We next come to the head, of the employing Mr. H. Wellesley in conducting the negotiation at Lucknow; and this part of the subject we shall speedily discuss, by barely remarking, that it was competent for Lord Wellesley to send thither, in the exercise of his soundest judgment, whomever he thought proper; that the Nabob's delays, after he had admitted the principle of the territorial cession, having arisen from his expectation of the arrival of the Governor General at Lucknow, and that event being rendered impracticable from a variety of causes, Lord Wellesley concluded upon sending his brother thither, as the properest substitute for himself; and that the speedy termination of the long pending treaty was the consequence.

But the last, and by far the most serious part of the charge, is that wherein the Marquis Wellesley is accused, through the agency of Mr. H. Wellesley, with the commission of *mur-*

der in the ceded territories! On what ground this allegation rests we shall shortly lay before our readers.

Upon the territories ceded to the Company by the treaty of Lucknow, there existed certain Landholders, or Zemindars, notorious for their oppression to the Ryots, and turbulence towards their superiors; and who had frequently resisted, by force of arms, the collection of the revenue under the authority of the Nabob Vizier. This class, naturally averse from the change of a weak to a strong government, opposed themselves, with the utmost vehemence, to the conditions of the treaty of Lucknow; betook themselves to their fortified places and strong holds; and prepared to defend themselves to the utmost against their new masters. In this state of actual rebellion they were attacked, their forts taken from them, and they were reduced to perfect obedience, in which state they now remain.

Having now, we trust, gone through the whole of the "charge" with perfect temper and propriety, we shall only add, that, to us—and we trust, we have made it appear to our readers—the whole conduct of the Marquis Wellesley in this transaction seems to have been dictated by a high sense of public duty:—That the means he pursued for the attainment of his object, were TEMPERATE, WISE, DIGNIFIED,

and JUST:—That, as he knew he was acting to the utmost of his power for the advantage of the government at home, so did he believe that he possessed its full approbation through every stage of the transaction:—And that the treaty of Lucknow is not unworthy of being placed in the same rank of atchievements with those which distinguish the conqueror of Tippoo Sultaun, the exterminator of the French power in India, the virtuous assertor of his country's rights and glory throughout the East, and (what is perhaps to him a far dearer title) the friend and benefactor of the Hindoo race.

It may perhaps be remarked, that, in the course of this investigation, we have cautiously passed over the gross and abusive terms against the Marquis Wellesley, which pervade the whole of the "charge," and which might have been animadverted upon by us, with becoming, perhaps with useful, severity. To this we shall reply, that, as those contumelious terms are only used to convey ideas of *personal* criminality against Lord Wellesley, which it is impossible to derive from any fact, and, we believe, utterly beyond the imagination of any human being, nay even the writer of the charge himself, to conceive—we were not disposed to trifle with our readers' time, or with our own, in once glancing at them. Again, although those phrases and epithets to which we allude may

be very unworthy of the House of Commons, or of our readers to attend to, it is by no means clear that they are at all unbefitting the writer of the charge to employ; and we will quarrel with no man for making use of his vernacular idiom. In short, as the language of the charge, so far as it respects the Marquis Wellesley *personally*, is entirely unfounded, proceeding from such a source, it is also, in our opinion, wholly unworthy of notice.

LETTER IV.

It was our intention, in this morning's Number, to have gone into some detail of the particulars of Marquis Wellesley's government, the system by which he was directed, and the result of his administration, both with respect to the mother country and to India; but on turning over the pages of the masterly "Vindication "of the justice and policy of the late wars car- "ried on in Hindostan and the Deckan," we found every topic on which we meant to have dwelt, anticipated by this able writer, with so much more eloquence and ability than we can pretend to, that we shall apologize no farther to our readers for the following quotation:—

" To the future historian of these times it
" will belong, to do justice to the eventful nar-
" rative which such an administration has re-
" served for his instructive pen. Musing over
" the proud materials that are to adorn his
" page, the triumphs of the British arms in
" India will be the select themes to dignify his
" annals! The conduct of Lord Wellesley will
" rise to his view; and the heroes of Assye and
" Lasswarry will demand immortality from his
" pen! In recurring to the splendid successes
" of the Company at this brilliant epoch, he
" may exclaim: The dawn of their greatness
" had but commenced: their glory has reached
" its meridian. The darkness of oppression
" covered the East: the light of British justice
" shines upon its surface. While the vices
" have been revolutionizing the fairest part of
" Europe, the virtues have been regenerating
" the finest portion of Asia. A great and com-
" prehensive system of general protection, em-
" bracing the destinies of the millions who ani-
" mate the vast regions of India, has emanated
" from the wisdom of British policy. The con-
" fusions consequent on the overthrow of the
" Mogul empire are passing away; and the
" power of Aurungzebe reviving in the sceptre
" of England, imposes peace on the warring
" tribes which, bursting from their allegiance

" at the period of its dismemberment, have since
" continued to desolate its provinces. An agi-
" tated empire breathes at last, and anarchy
" and oppression are relinquishing their pro-
" tracted sway. What Henry the IVth of France
" conceived in theory, Lord Wellesley realized
" in practice. The different states of the
" Deckan and Hindostan he so equally balan-
" ced in power, as to provide for the security of
" each, without rendering any, as before, the
" object of reciprocal jealousy and alarm. The
" danger of future wars between them he di-
" minished, by lessening the causes from whence
" they could originate. He tied up the sword
" of all, by providing that their differences
" should be referred to British justice, before
" an appeal was made to arms. The prospect
" of future wars became therefore distant; the
" view of peace immediate. The benefits en-
" joyed by the natives dependent on the Com-
" pany's authority, were gradually communi-
" cated to the subjects of these different states.
" In contemplating the influence which future
" events, arising out of the rapid and wonder-
" ful changes which he saw effecting in the
" general system of Europe, might have on
" these benefits, a new, though perhaps a dis-
" tant, danger faced him on the side of Persia.
" The weakness of the Company's North West

" frontier presented an easy entrance, through
" that empire, into the heart of India, to those
" increasing military powers of Europe, which,
" at no remote period, seemed destined to reach
" the walls of Ispahan. Between this frontier
" and the confines of Persia, as a preparatory
" advanced military post, stood a state, spring-
" ing up under French authority, directed by
" French counsels, and governed by French
" subjects, which, from its juxtaposition to the
" provinces of Oude, was too alarming in itself,
" not to demand, at the first justifiable mo-
" ment, its absolute extinction. This state is
" no more; and this frontier, fortified by new
" and important acquisitions, presents a bar-
" rier as formidable now from its strength, as
" it was before alluring to an enemy from its
" weakness. Thus the invasion of India through
" Persia, a project so congenial with the strid-
" ing ambition, and daring spirit of the age,
" was at least rendered infinitely more difficult
" of prosecution than before; and Persia itself,
" whose arms, if overpowered, would be direct-
" ed against us, may now look for the preser-
" vation of its dynasty, and the support of its
" throne, to the vicinage and protection of
" Britain and her august ally, Russia—powers
" fully capable, in conjunction with itself, of
" upholding its independence, and of effect-

" ually repelling those sanguinary and destruc-
" tive hordes, which, if suffered to advance,
" would spread throughout Asia the miseries
" they have extended over Europe. To Persia,
" as to India, therefore, Lord Wellesley shew-
" ed the way, at this portentous crisis, to pre-
" serve her existence. To both he held up the
" true means of reciprocal strength. To a tri-
" ple alliance between Persia, Great Britain,
" and Russia, which their mutual interests in-
" vite, as calculated to preserve Asia from the
" progress of revolutionary principles, and re-
" volutionary triumphs, he led the road; and
" such a measure, springing as a corollary from
" his grand and comprehensive system of gene-
" ral security and pacification, alone is want-
" ing to finish its glory, by consolidating, on
" the most durable basis, the splendid fabric
" of the British power in the East, and by
" raising up a bulwark, behind which the mul-
" tifarious tribes spread over it may find the
" blessings of security and peace, and which,
" invulnerable as he has rendered our Indian
" possessions by sea, would contribute to ren-
" der them as impregnable by land.—These are
" the after-hopes which flow from the benefi-
" cial course of his Lordship's measures:—
" Among the more immediate benefits by which
" his government was distinguished in his own

" day, it may be stated, that to the Company
" he opened a new æra of dignity and strength.
" He raised it from the creeping policy of crouch-
" ing at the durbars of the native princes, to
" the grander system of rendering the latter
" dependent on its support. Revolutionary
" France he crushed in India. The Mithri-
" dates of Mysore he destroyed. The irrup-
" tive fury of the lawless Mahratta freebooters
" he extinguished. The venerable and illus-
" trious descendant of the Royal House of
" Timur he raised from poverty and misfortune,
" to dignity, affluence, and comfort. He pro-
" vided a permanent increase of revenue to
" liquidate a temporary addition of debt. The
" provinces entrusted to his charge flourished
" in peace and justice. He opened new marts
" to the manufactures of England. To the
" conquest of arms he added the triumph of
" letters. The light of science already ema-
" nates from the temple founded by himself,
" and opens a road to that purer radiance
" which yet shall shine upon the darkened
" plains of Asia. These were the services of
" Lord Wellesley, and these the means he em-
" ployed to give strength and glory to British
" India, by fencing it with new security, and
" encircling it with lasting peace!"

Such is the faint outline (as the author mo-

EAST-INDIA QUESTION.

A

SHORT ABSTRACT

OF THE

ARGUMENT

IN SUPPORT OF THE

EAST-INDIA COMPANY'S PETITION TO PARLIAMENT,

FOR

A RENEWAL OF THEIR CHARTER.

LONDON:
Printed for BLACK, PARRY, and CO. Leadenhall Street.

1813.

Printed by Cox and Baylis, Great Queen-street,
Lincoln's-Inn-Fields, London.

SHORT ABSTRACT.

THE East-India Company have, by their own means, and chiefly by their own exertions, acquired for the Crown of Great Britain, an empire containing a population of at least fifty millions, and yielding a revenue of sixteen millions annually.

Their native army, by which this has been principally effected, is not inferior in discipline and loyalty to any that exists; and the officers by whom it is commanded are equal in every military requisite to those in the King's service. Indisputable proofs of the distinguished talents of the Company's civil servants are recorded in the annals of Indian diplomacy; in the code according to which justice is administered and revenue collected; in the security, internal tranquillity, and improvement of the countries subject to their rule; and in the fidelity, confi-

dence, and affection of the people whose lives and interests are confided to their care.

To their *commerce* (from which little more than common interest of money has been gained by the adventurers) the Company are indebted for the means by which objects so great have been attained and views so beneficent executed. Without an *exclusive commerce* their territories never could have been acquired; and though acquired, could not have been preserved and governed.

From the period when the Company obtained territorial dominion in India, a monopoly of the trade was granted to them by the British legislature; not solely on principles of commercial policy, but with a view to the most economical and beneficial administration of these territories, and to secure the permanency of a connection depending not on *force* but on *opinion*. It was justly felt, that the ordinary maxims of colonial policy were wholly inapplicable to a country, which neither should nor could be treated as a colony.

The trade to and from India was opened in

1793 to the *goods* of private merchants, and in 1802 to both *ships* and goods, provided that the ships were built in India. It is now proposed to open the trade to *British goods, ships, and men,* in defiance of the danger likely to arise from an influx into India, either of temporary or permanent settlers, and in compleat abandonment of the maxims by which the Indian connection has hitherto been maintained and regulated.

The Company have, in compliance with the wishes of the commercial part of the nation, as expressed in their petitions to Parliament, acquiesced (although with reluctance) in an arrangement under which the export trade to India shall be laid open to the merchants and manufacturers of this country indiscriminately, with permission to sail when and from what ports they choose, and to bring back Indian goods, provided the imports from India shall be confined to the port of London, and a monopoly of the China trade shall be secured to the Company.

Were such an arrangement to take place respecting the Indian trade, it could, in no point of

view, be regarded as a monopoly, and every objection to it on that ground proceeds upon an assumption most obviously fallacious. The continuance of the China monopoly has been proposed, not as a compensation to the Company for past losses, or as a reward for unrequited services, but upon different though most substantial grounds of expediency. That branch of the Asiatic trade could not be opened to the nation at large without the risk of its frequent suspension or total extinction, owing to the singularly capricious character both of the Chinese government and people, and without the certainty likewise of a very large diminution of the duties on tea, which now yield near four millions sterling annually to the public revenue at a very trifling expence of collection.

The Company agreed *with much reluctance* to the extension of the export trade to India to the outports of this kingdom, because it involves a departure from the system under which they have hitherto acted, as the constituted organ of administering the affairs of India, and tends to enfeeble their powers and embarrass their functions, with-

out lessening their responsibility. They know also, from long experience, that the small demand in India for British produce is now abundantly supplied, and that from causes, moral as well as physical, their circulation can never be materially augmented in that part of the world. Great political evil then is hazarded, without even the chance of any commercial advantage to set against it.

The Company have refused to accede to the proposition of extending the import trade from India to the outports of this kingdom, on the following grounds:

That not only the consumption of this country, but all the markets of the world to which the British trader has access, are more than supplied with Indian productions through the channel by which the commerce is now conducted, is evident, from the large quantity of India goods that has been lying for years in the Company's warehouses to the great loss of the importers.

The gains derived by America from the Indian trade, proceeded from the advantages belonging to her neutral character, which enabled her to navigate her vessels on much cheaper

terms than a belligerent could do, and gave her access to ports and countries to which Great Britain was not admitted. America is now excluded from India in consequence of her being at war with this country, and it will depend not upon the East-India Company, but upon His Majesty's Government, whether she shall be permitted again to embark in a trade which was originally opened to her, not by the Company's license, but by national treaty.

Even now that we are engaged in hostility with America, cotton is allowed to be imported into this country from the United States, although every facility is given by the East-India Company to the merchants and manufacturers to import the same article from our Indian territories, and many thousand bales lie unsold in the Company's warehouses. Nay, what is whimsical enough, the same classes of persons who are petitioning Parliament for an open trade with India, in order, as they plead, that they may receive from thence a more ample supply of this and other raw materials, are at the same time representing to Government the impolicy of pro-

hibiting, or laying any restrictions upon the importation of the American staple.

If the import of India goods by the Company and the private merchants already engaged in the trade be as large as the demand can take off, it follows that the opening of the trade to the outports would merely have the effect of transferring thither a part of the commerce of the Port of London. Such a transfer would not only occasion a vast and sudden dislocation of capital to the serious injury of the capitalist, but it would make old and costly establishments useless, and render necessary the formation of new establishments at a great expence, which otherwise would not be requisite. It would reduce to beggary many thousands of individuals now employed on the River Thames, and though it might give employment to the same number of persons in other parts of the kingdom, the capital that would be applied to furnish this new employment being withdrawn from objects already affording occupation to a different class, the latter would suffer in the same proportion that the former gained. Labour, like other merchandize, no

doubt accommodates itself, both in kind and quantity, to the state of the markets; but it requires a longer time to adjust the supply to the demand in this than most other commodities, and great fluctuations in the demand never fail to cause much temporary distress.

The ships employed by the Company being fitted out for the double purpose of war and trade, require little protection from the royal navy. From their large size and excellent equipment, they are well adapted to the transport of troops, and, in cases of political emergency, they are easily convertible into ships of war, while the numerous establishments, connected with the India shipping, on the River Thames, may at any time, and on the shortest warning, be rendered available by Government for national purposes.

These advantages, as well as those resulting from the publicity, fairness, and regularity of the Company's sales, would, to a greater or less degree, be sacrificed by the extension of the trade to the outports.

Any small relief which the consumer might

derive from an abatement in the price of freight, would be dearly purchased at the hazard of uncertainty, as to the quality of the goods offered for sale; a great defalcation in customs and excise from smuggling; a certain diminution of the *ad valorem* duties; and a larger expence in collecting a smaller amount of revenue.

The fraudulent importation of goods of Indian manufacture, besides being injurious to the revenue and to public morals, would prove detrimental to the fair trader, and expose the British manufacturer to a competition, which all his industry and skill would be unable to withstand. The exertions of the illicit trader would likewise be directed against the China monopoly, which would, thereby, be rendered insecure, and the Company thus be partially deprived of a fund, the integrity of which is absolutely necessary to enable them to discharge their engagements and maintain their credit.

Supposing the Company to have no claim on the nation for past services, they have a right to expect that, if their political functions are continued to them on general grounds of expediency,

they shall not be placed in a situation in which they would be incapacitated from discharging them with honour to themselves and advantage to the public. They have a right also to expect liberal indemnity for their disbursements in the pursuit of national objects, and a just compensation for the surrender of property belonging to them, in the event of their political dissolution. Such indemnity and compensation it would not be easy for the country at this moment to pay.

The Select Committee of the House of Commons on Indian Affairs have, at the conclusion of their fourth report, examined the bearing of the present system on the general interests of the country, and stated, as the result of their investigation, through a period extending from 1791-2 to 1808-9, that, " on the average of these seven-
" teen years, £10,900,000 *per annum* has been
" diffused in various channels through the whole
" circulation of the British Empire. By this
" its manufactures have been supported, encou-
" raged, and improved; its shipping has been
" increased, its revenues augmented, its com-

" merce extended, its agriculture promoted, " and its powers and resources invigorated and " upheld."

There is now a political charge payable in England, on account of India, to the amount of about three millions sterling annually (including the interest on the Indian debt); and should the East-India Company be superseded in its functions, this sum must either be brought from India in another channel, or it must fall as a burthen upon the resources of this country. Were Government obliged, in order to secure a remittance of revenue from India, to adopt the expedient of granting bills to private British merchants upon the Indian treasuries, in the expectation of being reimbursed from the proceeds of the return cargoes, it is not difficult to foresee the disappointments that must result from such dependence on the success of individual adventure.

A total change in the system of government for India consequent on the supersession of the Company, might at once be fatal to the stability

of our power in Asia, and to the freedom of our constitution at home.

A government subsisting little by force, but almost entirely on *opinion, habit, and prejudice*, cannot be altered in any of its constituent parts without eminent danger of its downfal.

In reference to the probable effects of a change in the government of India on the British constitution, the sentiments expressed by Mr. Pitt, in the House of Commons, on Mr. Fox's bill, 23d January 1784, deserve consideration. "It "was," said he, "a transfer of power from a "body of men (the Directors) unconnected with "each other, numerous and fluctuating, by whom "the patronage of India is divided into a "thousand little wandering streams; it was a "transfer from that large unconnected body into "the hands of a small Junto politically connec-"ted, established in a manner independent of "the Crown, by whom India was to be convert-"ed into one vast political engine, that might be "brought to bear against the independence of "this House..... The collected patronage of all

" India, at home and abroad, was to be knit to-
" gether in their hands, to be levelled as the
" party chose, either against the prerogative of
" the Crown, or against the independence of
" Parliament.—Compared to these things, the
" very loss of India were light and trifling; the loss
" of India were a loss easy to be borne; but the
" loss of liberty to this Country, the sacrifice of
" the independence of Parliament, and the ruin
" of this Constitution—this," said Mr. Pitt, " is
" a calamity, this is a kind of ruin to which I will
" never yield without a struggle."*

Since that time, the expenditure of the British Government, and with it the influence of the Crown, has increased tenfold. In 1784, the revenues of India were only between six and seven millions; whereas, they now exceed sixteen millions sterling annually. The patronage arising out of the collection and expenditure of so large a sum, and the appointments connected with an Indian army, consisting of 140,000 men, certainly require caution as to the choice of the hands in which they are placed.

* Mr. Pitt's speeches by Hathaway. Vol. I. page 89.—2d Edition.

Printed by Cox and Bayls,
Great Queen Street, Lincoln's-Inn-Fields.

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Brand, J.
A refutation of the charge brought against the Marquis Wellesley

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